

THE KENYA COMMUNICATIONS REGULATIONS, 2001

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switched data communications, such as facsimile transmissions but does not include advanced or enhanced telephone services or dedicated data communications services such as paging services;

“basic telephony” means fixed or mobile communications service in which a two-way connections are established without any deliberate removal or addition to the information content transmitted over that connection or any additional service having been provided thereof;

“circuit” means the physical connection or path of channels or conductors and equipment between two given points through which an electric current may be established;

“contract” means any agreement, arrangement, bond, commitment, franchise, indemnity, indenture, instrument, lease, concession, licence or understanding, whether in writing or not in writing;

“communications” shall, where used in these Regulations refer to telecommunication, postal and radio communications services;

“Commission” means the Communications Commission of Kenya established under section 3 of the Act;

“confidential business information” means a proprietary information of a trade, commercial or financial nature that is-

- (a) of a kind that would customarily not be released to the public by the person from whom it is obtained; and
- (b) the disclosure of which is likely to impair the Commission’s ability to obtain similar necessary information in the future or to cause substantial harm to the competitive position of the person from whom the information is obtained.

“global navigation system” means an arrangement of technical apparatus by means of which an end user can determine location parameters of latitude, longitude and altitude at any instant of time anywhere on the earth surface;

“international call completion rate” means the minimum percentage of international telephone calls originating within a licensee's network completed per total of international call attempts measured during the peak traffic hour;

“international telephone call” means an effective or completed telephone call exchanged with a telecommunications station outside the country in which the calling telecommunications station is situated;

“ITU” means the International Telecommunications Union;

“leased line” means a telecommunications line that is made available to a subscriber for his exclusive use;

“licensee” means the holder of a licence issued by the Commission under the Act or these Regulations;

“line” means a transmission medium between terminal locations and includes associated repeaters;

“local service provider” means a telecommunications licensee licenced to provide local basic telephone service excluding international and long distance services but include value added services in accordance with the relevant licence issued by the Commission;

“local call completion rate” means the minimum percentage of local telephone calls completed per total of local call attempts measured during the peak traffic hour which originate and terminate from the licensee's network;

“local telephone call” means an effective or completed telephone call exchanged with a telecommunications station within the local charging area in which the calling telecommunications station is situated;

“mobile radio-communication system” means a telecommunications system consisting of mobile service switching centres each of which typically serves a number of “cells” which establish calls to and from mobile subscribers in their respective call service areas, thereby allowing calls to be transferred from one cell to another cell without interruption and established or to be established by an operator under a licence to provide mobile radio-communications Services;

“mobile radio-communication service” means a telecommunications service that operates through a mobile radio-communications system employing a network architecture in a "cell" configuration in which low-powered radio transmissions allow for the re-use of the same frequency simultaneously in multiple cells and shall include both voice telephony services and non-voice telephony services but shall unless otherwise expressly provided in a licence, exclude video, paging and high speed data services;

“national long distance telephone call” means an effective or completed telephone call exchanged with a telecommunications station outside the local charging area in which the calling telecommunications station is situated;

“national long distance call completion rate” means the percentage of national long distance telephone calls completed per total of national long distance call attempts measured during the peak traffic hour which originate and terminate within a licensee's network (internal national long distance call completion rate), or which terminate outside the licensee's network (external national long distance call completion rate);

“non-service specific interfaces” means a shared boundary between two functional units that is not

specific to any one telecommunications service;

“operational subscriber's line” means an operational subscriber's line connecting a subscriber's premises to the exchange;

“paging service” means a telecommunications services that provide subscribers with radio messages, through portable radio equipment used in a given zone, which may be accompanied by a verbal or codified visual message;

“private telecommunications services” means telecommunications services established by any person for the sole purpose of satisfying his own communications needs within Kenya and may include telephony service or value added services, radio communication and cable services;

“roaming services” means a type of telecommunications or radio communications service that enables subscribers of one mobile cellular communications system to utilise the facilities of another mobile radio communications system with which the subscriber has no direct pre-existing service or contractual relationship to place an outgoing call, to receive an incoming call, or to continue an in-progress call;

“satellite mobile telecommunications service” means a service which allows for voice or data communications through the use of mobile terminal equipment and capable of maintaining a direct uplink to or direct downlink from a satellite-based telecommunications network;

“satellite telecommunications service” means a telecommunications service provided through connections from earth stations to authorised public or private satellite-based telecommunications system;

“service agreement” means any agreement between an operator and a subscriber or subscribers relating to the

provision and use of a telecommunications service;

“service quality requirements” means conditions of licence established by the Commission pursuant to section 25 of the Act for the purpose of improving the quality and delivery of telecommunications services in Kenya;

“store and forward messaging service” means a service whereby messages can be exchanged between subscribers using storage and retransmission devices;

“subscriber” means any person provided with a telecommunications service by a licensee, and who is responsible for payment of all charges and rentals;

“subscriber line” means a telecommunications link connecting the local telecommunications center to the subscriber’s premises or telephone instrument or system;

“tariffs” means the charges by a telecommunications service operator or its subscribers;

“telex service” means a telecommunications service that provides for the interactive telecommunication of texts between subscribers through teleprinting devices interconnected by a telex network via transmission of codified information;

“third party private network service” means a service over a user-dedicated network supplied by a licensee providing such services, whether directly or indirectly, to the user of such services;

“Tribunal” means the Appeals Tribunal established under section 102 of the Act;

“trunk capacity resale service” means a type of telecommunications service which, using a trunk capacity resale system, provides the necessary capacity to carry and route telecommunications signals constituting the main interconnection between

telecommunications systems and networks and which allows the provision of final services, distribution services and value added services;

“value added services” means such services as may be available over a telecommunications system in addition to voice telephony service, and specifically those services listed as "value added services" in these Regulations, including the following-

- (a) “videotex” means a service involving a two-way interactive computer-based information system in which a subscriber is linked to a database by telephone line or cable;
- (b) “teletex” means a service whereby a subscriber can exchange office correspondence in the form of documents containing teletex coded information on an automatic memory-to-memory basis;
- (c) “teleaction” means a service used to send short messages at very low transmission speeds between the subscriber and a communications network;
- (d) “telecommand” means a service whereby a supervised system is controlled from a remote control device;
- (e) “telealarm” means a service whereby an electric signal is sent to a remote control device each time there is a threshold change of conditions in the supervised system;
- (f) "store and forward messaging service" means a service whereby messages can be exchanged between subscribers using storage and retransmission devices;
- (g) "teleprocessing and data processing” means an interactive service used for the processing of data and exchange of messages between the

terminals of geographically distant subscribers;

- (h) “electronic mail services” means a service whereby subscribers may send messages to one or more addressees and receive messages using a combination of data storage and retransmission techniques so that the final subscriber may recover the message. This service may be used as follows -
 - (i) electronic mail (X.400): a service allowing a subscriber to send messages instantaneously to another subscriber's directory or electronic "mailbox" (*i.e.*, person-to-person messaging, according to the ITU X.400 international standards);
 - (ii) electronic document interchange (EDI): person-to-person messaging, according to electronic data interchange fact (EDIFACT);
 - (iii) electronic fund transfer;
 - (iv) electronic voice mail: a storage and retrieval service whereby voice messages from one subscriber are digitally stored in order to be received by another subscriber;
- (i) “voice messaging” means a service whereby the subscriber transmits a brief message by calling one or more telephone numbers at a given time or by answering the call of another subscriber;
- (j) “voice telephony service” means a telecommunications service which provides subscribers with the ability to conduct real-time two-way speech conversation via a fixed or mobile network;
- (k) “information services” means an interactive

service that provides access to information stored in database centres and which may be sent to the world wide web subscriber only upon request;

- (l) “packet switching service” means without using the systems network, data signals called packages are split up according to a sequence of signals arranged in a specific format, in accordance with the ITU X.25 and X.75 standards and such other generally recognised standards as may be approved for use over the public communications network by the Commission;
- (m) any other service as may be classified as such in the Gazette by the Commission;

PART II – OPERATING PROCEDURES

Protected
information

3.(1) Any person who communicates with the Commission, and whose communication includes confidential business information, may submit a written request to the Commission that the specific portion of that communication consisting of such confidential information be protected from disclosure.

(2) Any request made under paragraph (1) of this regulation that is deemed by the Commission to be valid shall entitle the person who has made such a request to -

- (a) protection of confidential business information from being referred to in any writing or communication issued by the Commission;
- (b) non-publication of the confidential information in its entirety in any writing or communication issued by the Commission and, to the extent that the confidential information quoted or referred to by the Commission in any

writing or communication, it shall be identified as such, together with directions on how the full text of the information may be obtained by the public.

(3) Trade secrets and other confidential or proprietary information pertaining to the commercial interests of any person, which are submitted in connection with a communication by any person to the Commission, may be entitled to treatment as confidential business information.

(4) A person seeking to have information or materials treated as confidential business information may submit the information or materials to be considered separately from the other communications to the Commission, together with a written request that the Commission treat such information as confidential business information.

(5) The Commission may on its own motion determine that the information or materials should not be routinely available for public inspection.

(6) In the absence of a request referred to in paragraph (4), materials or information that are submitted may be made available for inspection upon request, even though such information or materials may contain trade secrets or confidential information.

(7) The presence of confidential business information within the body of a communication to the Commission shall not entitle the entirety of those communications to confidential treatment, but that portion of the communications which is entitled to confidential treatment as confidential business information may be extracted from the main body of the communication made available for public inspection.

(8) The disclosure of confidential business information may be compelled pursuant to a parliamentary, judicial or other lawful process.

PART III - FINANCIAL PROVISIONS

Payments to
the Commission. 4.(1) The Commission may from time to time prescribe fees payable in respect of any licence issued or service performed under the Act or these Regulations.

(2) Every fee payable to the Commission in connection with applications for licences, frequency spectrum assignments, or any other matter shall be paid in full before the licence is granted or the frequency is assigned by the Commission.

(3) Unless otherwise prescribed by the Commission, all licensees shall make yearly payment of the annual operating fees due for the current year by the 1st day of July of each calendar year, but not later than three months after the end of the licensee's financial year.

(4) Where any licensee is required to pay fees to the Commission on the basis of information or records in the custody of such licensee, the licensee shall submit a declaration to the Commission in the manner prescribed by the Commission, attesting to the completeness and accuracy of the information upon which such computation of fees is based.

(5) Where a licence requires that payment of a licence or an annual operating fee be based on a percentage of a licensee's gross annual revenues, the base for calculating a licensee's gross annual revenues shall include-

- (a) payments from subscribers and other users; and
- (b) the amount billed including uncollected payments from subscribers and other customer accounts.

PART IV- FAIR COMPETITION AND EQUALITY OF TREATMENT

Acts of
unfair
competition

5.(1) The Commission shall, in the performance of its duties under the Act and these Regulations, promote, develop and enforce fair competition and equality of treatment among all licensees in any business or service relating to communications.

- (2) Acts of unfair competition shall include -
- (a) any abuse by a licensee either independently or with others, of a dominant position that unfairly excludes or limits competition between such licensee and any other party; or
 - (b) entering into any agreement or engaging in any concerted practice with any other party, which unfairly prevents, restricts or distorts competition; or
 - (c) the perpetuation of anti-competitive changes in the market structure and in particular, anti-competitive mergers and acquisitions in the communications sector;
 - (d) any other practices or acts that are prohibited under any other written law.

Licensees to
offer non-
preferential
service

6.(1) All licensees shall provide uniform, non-preferential service on a first-come - first-served basis to all persons within a covered geographical area who request for such service;

Provided that it shall not amount to violation of the principle of equal access and non preferential treatment for a licensee to-

- (a) consider the ability of a person to pay for a service when deciding whether to provide a service to such person; or,
- (b) make other rational classifications among subscribers, such as business and

residential, and to provide service on the basis of such classification;

Provided further that all persons within a given class shall be provided with service on a non-preferential, first-come, first-served basis.

Complaints
of unfair
competition.

7.(1)The Commission may, on its own motion or upon a complaint, investigate any licensee whom it has reason to believe or is alleged to have committed any act or omission, or to have engaged in a practice, in breach of fair competition or equal access.

(2) Any person with a complaint regarding breach of fair competition or equal access against any licensee may lodge such a complaint with the Commission.

(3) Where it appears to the Commission that a breach of fair competition or equal access has been committed, the Commission may investigate the act or omission and give written notice to the licensee-

- (a) informing him that the Commission is investigating a possible breach of fair competition or equal access;
- (b) stating the matters consulting the contravention or breach, including any matter of facts or law which are relevant to the investigation;
- (c) requiring the licensee to furnish the Commission with information required in order to complete the investigations; and
- (d) of the appropriate steps to be taken in order to remedy the breach.

(4) The licensee shall, within 30 days from the date of the notice, make representations in response to the notice and shall give the Commission all information in his possession required under the notice.

(5) Any person affected by the contravention or

breach of fair competition or equal access may make representation to the Commission in that regard.

(6) Where the Commission is of the opinion that a licensee is competing unfairly, it may issue an order-

- (a) requiring the licensee to cease and desist from the activity found to constitute unfair competition or equal access;
- (b) requiring the licensee to take action to remedy the unfair competition or failure to provide equal access;
- (c) requiring the licensee to pay a penalty not exceeding six thousand shillings for every month or part thereof during which the contravention of the fair competition continues;
- (d) declaring any anti-competitive agreements or contracts null and void.

(7) The provisions of this regulation shall not affect the right of any person to take any other action against a licensee under any other applicable law.

Disputes between licensees.

8.(1) The Commission shall have the power to settle any disputes between licensees of communications services, including disputes relating to-

- (a) allegations of unfair competition or abuse of dominant position by a licensee;
- (b) access to, use or abuse of, and other matters relating to network interconnection, irrespective of whether or not an interconnection contract exists;
- (c) rates, charges and other payments or compensation arising under agreements between licensees;

- (d) frequency co-ordination;
- (e) technical aspects of the public communications services; and
- (f) damage to or interference with an operator's equipment, network, or services by another licensee.

(2) The Commission shall have the power to hear and settle any disputes between a licensee and a subscriber or a class of subscribers, including -

- (a) allegations of undue discrimination by a licensee in respect of unauthorized charges or terms for the provision of a communications service; and
- (b) allegations of unauthorized or high charges levied by a licensee.

(3) The exercise of the power conferred to the Commission by paragraph (2) of this regulation shall be contingent upon a determination by the Commission that a subscriber or a class of subscribers have first made a reasonable effort to resolve the complaint through the approved complaints and claims handling procedure provided for the licensee.

(4) The decision of the Commission rendered pursuant to this regulation shall, within 15 days, be entered in the register of the Commission and communicated to all the parties to the dispute.

(5) The decision of the Commission in a dispute shall be binding on the parties and, where a contract or agreement exists between the parties, such a decision shall have the effect of an addendum to the contract or agreement.

(6) Any person aggrieved by the decision of the Commission made under this regulation may appeal to the Tribunal within 15 days of the date of the decision of the Commission.

(7) The provisions of this regulation shall not limit, relieve, or in any way affect the obligations of a licensee under any condition of a licence.

PART V – TELECOMMUNICATIONS LICENCES

Licenses required. **9.** The Commission shall issue telecommunications licenses in accordance with the provisions of the Act.

Licensing. **10.** (1) The Commission shall prescribe the terms and conditions of all licences, as it considers consistent with the objectives of the Act, these Regulations and such other circumstances as the Commission may consider appropriate, including the terms and conditions upon which the license is granted, the services to be provided by the licensee and the network to be operated by the licensee.

(2) The Commission may issue licenses for the provision of local access services, national long distance services, international services, very small aperture terminal services, internet backbone, global mobile personal communications services (GMPCS) and customer premises wiring, terminal equipment and maintenance, repair workshop services and radio station licence.

(3) Local access services shall be provided by a licensed local access provider or a regional telecommunications operator.

(4) Licences granted shall contain an obligation to provide services efficiently and at reasonable costs.

(5) Licences may include the provision of services to rural or sparsely populated areas or other specified areas and other conditions as the Commission may deem necessary.

International Conventions.

11. The Commission may require licensees to comply with international conventions or agreements relating to communications services to which Kenya is signatory.

Transfer of Licence.

12. (1) A licence granted under the Act may not be transferred without the written consent of the Commission.

(2) An application for the transfer of a licence shall be accompanied by an application in the prescribed Form 1 set out in the First Schedule, completed by the person to whom the licensee intends to transfer the licence.

(3) The Commission shall in considering an application for transfer have regard to the same terms and conditions as in considering a grant of a new licence, provided that the Commission may in its discretion refuse to approve such an application for transfer under this regulation.

lapse and renewal of licence.

13. (1) An application for renewal of a licence shall be made in accordance with the conditions of each licence.

(2) In considering an application for renewal of a licence, the Commission shall have regard to the fulfilment by the licensee of the obligations contained in the licence in the previous licence period.

(3) The process for renewal of a licence for telecommunications services shall be contained in each licence and each application process shall be considered as part of these Regulations.

PART VI – RADIO COMMUNICATIONS

Basis and purpose.

14. The regulations in this part are meant to regulate radio transmissions and issuance of licenses for radio stations.

Definition of terms. definitions.

15. In this Part, unless the context otherwise requires-

“authorised frequency” means the frequency

assigned to a radio station by the commission;

“authorised power” means power assigned to a radio station by the commission;

“fixed service” means a service of radio-communication between specified fixed points;

“fixed station” means a station in the fixed service;

“harmful interference” means any radiation or induction which endangers the functioning of a radio-navigation service or of a safety service or obstructs or repeatedly interrupts an authorised radio or telecommunication service;

“radio communication service” means service involving transmission, emission or reception of signs, images, signals, writings, and sounds or intelligence of any nature by radio waves;

“station authorisation” means any construction permit, licence, or special temporary authorisation issued by the Commission;

National Spectrum
management
policy.

16. (1) The Commission shall manage and control the use of or emissions from the radio electromagnetic spectrum and use of geostationary orbital slots within the territory of Kenya and shall have the power to withdraw, suspend, or prohibit any such use or emissions.

(2) The Commission shall, in accordance with the Act, have the power to negotiate with the International Telecommunication Union, its affiliated bodies and other countries’ regulatory bodies or entities performing such functions.

(3) The Commission shall be responsible for, frequency planning and engineering, frequency assignment and licensing, frequency monitoring and inspection of radio stations, and the implementation of the Kenya government policies on radio communications

Application

17. (1) The Commission, in considering applications

criteria for for frequency assignment shall take into consideration - approval.

- (a) spectrum availability for the type of service and proposed location;
- (b) whether the proposed service can be satisfied by any other means of communications; and
- (c) the distress and safety radio communication services which require special protection from harmful interference.

(2) The Commission may assign the use of a frequency or frequencies to the applicant, and shall for that purpose take into account all technical data of the equipment and associated accessories proposed to be used by the applicant.

Assignment of frequencies.

18. (1) The Commission may, upon application in a prescribe Form No. 5 set out in the First Schedule, assign frequencies when it is satisfied that such assignment will not cause harmful interference to any station or licensee operating in accordance with the Kenya table of frequency allocations;

Provided that in the event of non-availability of the frequencies applied for, the Commission may consider assigning frequencies in alternative frequency bands.

(2) A person licensed to operate and provide mobile radio communication – systems and services shall apply to the Commission in the prescribed form No.6 set out in the First Schedule for assignment of the necessary frequencies. Provided that in the event of non availability of the frequencies applied for, the Commission may consider assigning frequencies in alternative frequency band.

(3) When the Commission is satisfied with an application, the applicant may be assigned a frequency or frequencies, which shall be used in accordance with the prescribed technical and operating parameters.

(4) The Commission may impose any conditions on the use of the assigned frequencies

Obligations of the licensee.

19. (1) All licensees assigned the use of frequencies or frequency bands shall -

- (a) maintain and provide, at the Commission's request, an inventory of frequencies assigned;
- (b) keep the license in force by regular payment of annual fees as may be prescribed from time to time by the Commission; and,
- (c) guard against unauthorized emission, harmful interference or illegal use of the spectrum.

(2) The Commission may where it considers expedient so to do require a licensee to migrate to a new frequency band.

Ownership of frequencies.

20.(1) A frequency licence shall not confer any ownership rights of the frequency to the licensee.

(2) The commission may require licensees to share a frequency band.

Transfer and assignment of station authorisation.

21. Frequencies assigned to be used by a licensee and the rights therein granted by such authorisation shall not be transferred, without the written consent of the Commission.

Temporary authorization.

22. The Commission may at its discretion grant a temporary frequency assignment.

Change in equipment.

23.(1) No material change may be made in a licensed station, including change of station parameters as specified in the license without written authorisation from the Commission.

(2) Without prejudice to the generality of this regulation, a licensee shall seek the approval of the Commission where such licensee proposes a change which is likely to increase the height of a structure supporting the

radiating portion of the antenna or decrease the height of a lighted antenna structure or in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

Station.
identification.

24. All licensees shall ensure that each class of station, unless exempted by the terms of a stations authorisation, transmits assigned call sign at the end of each complete transmission;

Provided, that the transmission of the call sign at the end of each transmission shall not be required in cases of projects requiring continuous, frequent or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

Type approval
and inspection.

25.(1) No frequency spectrum shall be assigned unless a radio equipment in respect of which an assignment is sought has been duly type approved by the Commission.

(2) Upon installation of the radio communication system, the licensee shall ensure that the system is inspected and certified by the Commission to be operating in accordance with conditions of assignment.

Monitoring
and Inspection.

26. (1) The Commission shall monitor all emissions from licensed stations for the purpose of ensuring efficient utilisation and compliance with licensed parameters.

(2) The licensee shall provide unlimited access to the Commission's authorised officers to the licensees' installations for purposes of inspection and verification of operational parameters.

(3) All records of stations shall be made available for inspection by the Commission's authorised officers at any time while the station is in operation.

(4) Any interference experienced by the licensee shall be reported to the Commission in writing.

(5) All frequency licensees shall comply with

directions from the Commission that will assist in the resolution of frequency interferences.

Inspection and maintenance of towers and control equipment.

27. (1) A licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of any written law shall perform all inspections and maintenance of the tower marking and lighting, and associated control equipment, required thereto.

(2) All licensees shall ensure full compliance with directions given by the Commission in consultation with the government agency responsible for civil aviation, in regard to antenna towers.

Misuse of frequencies.

28. (1) Any licensee who uses a frequency or frequencies assigned, or provides a radio communications service other than the service or services for which he holds a licence shall be guilty of an offence.

(2) Any licensee who uses an unauthorised frequency or equipment to offer radio communication service shall be guilty of an offence.

Discontinuation of station operation.

29. Where a licensee intends to permanently discontinue operating a radio communication station, the licensee shall forward the station licence, together with a request for cancellation of the licence, to the Commission.

Measures against violations.

30.(1) The Commission may disable or confiscate any radio communication apparatus or stations operated in contravention of the condition of license or in contravention of the Act and these Regulations

(2) The confiscated equipment or apparatus shall be disposed of according to the applicable procedures.

Revocation of licenses.

31. (1) The Commission may revoke a license if-

(a) the licensee contravenes any part or parts of the licence conditions;

(b) the service provision license or permit is not in

force;

- (c) the licensee fails to renew the license within the specified period;

Provided that the Commission may revoke a licence in accordance with the circumstances that are detailed in each licence.

(2) An order revoking a frequency licence shall be in writing and shall be availed to the licensee.

(3) Any person aggrieved by the decision of the Commission made under this regulation may appeal to the Tribunal within fifteen (15) days of the date of making such a decision.

PART VII – INTERCONNECTION AND PROVISION OF FIXED LINKS

Basis and purpose. **32.** Regulations in this Part shall apply to the form and content of interconnection agreements and to all interconnect providers and interconnect operators.

Power to review. **33.** The Commission shall have the power to review all interconnection agreements with a view to ensuring that such agreements conform to the Act and these Regulations.

Interpretations. **34.** In this Part unless the context otherwise requires-

“call completion rate” means the ratio of successfully completed calls to the total number of attempted calls;

“calling line identity” means the information generated by a telecommunications system that identifies the calling number and forwards that information through that telecommunications network to a receiving telecommunications system;

“customer” means a user of telecommunications

services offered by a telecommunications licensee;

“essential service” means any telecommunications service declared by the Commission in the Gazette to be an essential service for the purposes of these Regulations;

“interconnect capacity” means a transmission and switching capability and any other facility for connecting telecommunications networks of two or more telecommunications service licensees;

“interconnect provider” means a provider of a telecommunications service who, in accordance with a licence issued by the Commission, is required to provide interconnection service to other telecommunications licensees;

“interconnect operator” means a provider of telecommunication services who has interconnected or has requested that it be able to interconnect its telecommunications system to the telecommunications system of an interconnect provider;

“interconnection agreement” means an agreement, entered into, before or after the coming into force of these Regulations, between interconnect provider and an interconnect operator in relation to the interconnection of their telecommunication systems;

“interconnection information” means information in the possession or control of parties to an interconnection agreement or intending to interconnect their telecommunications networks and which may assist such parties to better formulate their interconnection or plans or to establish or maintain their telecommunication systems or a telecommunication service for the purpose of interconnection, which information may include -

- (a) technical, traffic and other relevant information;

- (b) system and facilities specifications; and
- (c) any material changes to that information or specifications which may impact on the parties' interconnection arrangements or the services they intend to provide to customers by means of that interconnection.

“local access provider” means any person licensed by the Commission to provide telecommunications service within a telecommunications region or regions as prescribed by the Commission in its licence; and shall include regional telecommunications operators;

“long distance access provider” means any person licensed to provide inter-regional telecommunications services in accordance with a licence issued by the commission;

“major telecommunications systems provider” means a licensee with a market share of more than 25% of the revenue of the entire telecommunications market and has been declared by the Commission in the Gazette to be a major telecommunications systems provider;

“point of interconnection” means a mutually agreed upon point where the exchange of traffic between the telecommunication system or apparatus of an interconnect provider and the telecommunications system or apparatus of an interconnect operator, takes place, including the exchange of traffic between a local access provider or mobile cellular communication operator (as applicable) and another licenced telecommunications network operator;

“private operator” means the licensee of a telecommunications system that provides private telecommunication services for its own use;

“public operator” means a provider of a public telecommunications service or a public cellular mobile communications service;

“telecommunications region” means a geographic area prescribed by the commission within which a licensee is licensed to operate telecommunications systems and services;

“service provider” means a provider of a telecommunications service other than a private operator.

Rights and Obligations
to interconnect.

35. (1) Save as provided in the Act or in a particular licence, a licensee shall have the right to choose its interconnection provider to route calls towards customers of another licensee;

Provided that in the case of calls towards international destinations, calls shall be routed through the operator or operators licensed to provide such service.

(2) A licensee under the Act shall have the right and, when requested by another licensee, an obligation, to negotiate the interconnection of its telecommunications system, facilities and equipment with the telecommunications system, facilities and equipment of another licensee, in order to provide end-to-end connectivity and interoperability of services for all customers.

(3) All telecommunications systems providers shall meet all reasonable request for access to their telecommunications system at network termination points offered to the majority of the customers.

Contents of
Interconnection
agreements.

36.(1) Save as the commission may, upon the request of any party specify in writing all interconnection Agreements between telecommunication system providers shall be in writing and shall, inter alia, provide for-

- (a) the scope and specification of interconnection;
- (b) access to all ancillary or supplementary services or access to and use of premises or land necessary to support interconnection;

- (c) maintenance of end-to-end quality service and other service levels;
- (d) charges for interconnection;
- (e) billing and settlement procedures;
- (f) ordering, forecasting, provisioning and testing procedures;
- (g) points of interconnection or co-location;
- (h) the amount of, or the forecast procedures to be used to determine, interconnect capacity to be provided;
- (i) transmission of call line identity;
- (j) provisions for network information;
- (k) provisions for information regarding system modernisation or rationalisation;
- (l) technical specifications and standards;
- (m) interoperability testing, traffic management, measurement and system maintenance;
- (n) information handling and confidentiality provisions;
- (o) duration for and renegotiation of the agreement;
- (p) formation of appropriate working groups to discuss matters relating to interconnection and to resolve any disputes; and
- (q) formal dispute resolution procedures.

Basis of
Interconnection.

37. (1) The terms and conditions of an interconnection agreement shall promote increased public and

efficient use of telecommunications services and facilities.

(2) All interconnection agreements shall facilitate end-to-end connectivity by ensuring that calls originated on the telecommunications system of an interconnect operator can be terminated at any point on the telecommunications system of any other telecommunications service provider on a non-discriminatory basis.

(3) Any transmission of calls across and within telecommunications systems shall be seamless to both the calling and called parties.

(4) All procedures for forecasting, ordering and provisioning interconnection shall be efficient and occur within reasonable time frames.

(5) All facilities or systems used for interconnection shall be provided in sufficient capacity to enable the efficient transfer of information between interconnected telecommunication systems.

(6) A service acquired as part of interconnection may be used for any lawful purpose.

(7) Interconnection agreements shall not, directly or indirectly-

- (a) preclude or frustrate the exercise by any person of rights or privileges given under the Act, a licence or these Regulations;
- (b) impose any penalty, obligation or disadvantage on any person for exercising any rights under the Act, a licence or these Regulations;
- (c) prohibit a person from providing an interconnection service which that person is able to lawfully provide; or
- (d) frustrate the provision by any person of a telecommunications service that the person is able to lawfully provide.

Non-discrimination
and transparency.

38. (1) In similar conditions and similar circumstances, interconnection shall be provided on a non-discriminatory basis and an interconnection provider shall ensure that-

- (a) the rates charged do not vary on the basis of the class of customers to be served;
- (b) it provides interconnect operators with interconnection facilities and information under the same conditions and in the same quality that it affords to its subsidiaries, affiliates, or other similarly situated telecommunications service providers; and
- (c) it avails to interconnect operators all necessary information and specifications related to interconnection ; and
- (d) customers of an interconnect operator receive treatment that is no less favourable than the treatment which it affords to its own customers or the customers of its subsidiaries, affiliates, or other similarly situated telecommunications service providers.

Quality of service.

39.(1) Interconnection agreements shall provide for adequate capacity, service levels and reasonable remedies for any failure to meet those service levels.

(2) Parties to an interconnection agreement shall comply with all relevant service standards of the International Telecommunications Union and such other technical standards as the Commission may from time to time determine.

Good faith
negotiations.

40. (1) Parties to an interconnection agreement shall negotiate in good faith and use their reasonable endeavours to resolve disputes as to the form and subject of an interconnection agreement.

(2) An interconnect provider shall provide

interconnection information to an interconnect operator upon receipt of written request.

(3) An interconnect operator's request for interconnection shall be given reasonable priority over customer orders of the interconnect provider.

Interconnection
charges and
charging structure.

41. (1) Save as may be provided for in an interconnection agreement, all interconnect providers shall, at the beginning of each year, forward to the relevant licensees a proposal for interconnection rates, terms and conditions that are just, reasonable and non-discriminatory.

(2) All charges for interconnection shall be objective, independently verifiable, fair, and shall be charged for each type of telecommunications service related to interconnection and shall not be designed to facilitate cross-subsidies by an interconnect provider of its network.

(3) All charges for interconnection shall be structured so as to distinguish and separately price-

- (a) fixed charges for the establishment and implementation of physical interconnection;
- (b) periodic rental charges for use of facilities, equipment and resources including interconnect and switching capacity; and
- (c) variable charges for telecommunications services and supplementary services.

(4) All interconnection rates and charges for a major telecommunications service provider shall -

- (a) be built up from the cost of separately identifiable network elements and be computed taking into account only those costs directly attributable to interconnection plus a reasonable profit margin;
- (b) be sufficiently unbundled so that an interconnect operator does not pay charges that

are not related to interconnection.

(5) All charges for interconnection shall not exceed retail charges for the provision of the equivalent services or facilities to be provided by that interconnection.

(6) An interconnect operator shall be free to acquire services from an interconnect provider at any retail price offered by the interconnect provider without prejudice to any rights to acquire the same or similar services under an interconnection agreement.

Interconnection
Procedures.

42. (1) All requests by an interconnect operator for any form of interconnection shall be in writing and shall provide the interconnect provider with information in relation to-

- (a) the form of interconnection;
- (b) the approximate date the interconnection is required; and
- (c) an estimate of the capacity required.

(2) A copy of the request for interconnection referred to in paragraph (1) shall be forwarded to the Commission by the requesting party.

(3) The interconnect provider shall inform the interconnect operator in writing within 15 days of receipt of the request for interconnection of its ability and willingness to supply the form of interconnection requested, whether it will be able to do so within the time frames requested by the interconnect operator, and its ability to commence negotiations on the date requested.

(4) Where the parties do not agree on the date upon which to commence negotiations, the Commission shall have the power to compel both parties to commence negotiations to an interconnection agreement on a date specified by the Commission.

(5) Any disputes as to the reasonableness of a request for interconnection shall be referred to the Commission.

(6) The Commission may, where it deems expedient to do so, exempt any telecommunications systems provider from the obligation to enter into an interconnect agreement where -

- (a) such an agreement is prohibited by law;
- (b) the licence issued to the interconnect provider exempts the interconnect provider from the obligation to interconnect;
- (c) the licence issued to the interconnect operator does not authorise the telecommunications services for which interconnection is requested;
- (d) the requested interconnection is not feasible due to technical specifications required by the Commission or technical limitations inherent in the telecommunications systems to be interconnected;
- (e) such interconnection would endanger life or safety or result in injury or harm to the interconnect provider's property or unreasonably impair the quality of the licensed services provided by the interconnect provider; and
- (f) that there are technically and commercially viable alternatives to the form of interconnection requested.

(7) Where parties have commenced interconnection negotiations and one party claims that the other party is unwilling to negotiate or agree on any term or condition on which interconnection is to be provided, the matter shall be referred to the Commission for determination.

(8) Where a party or any other person alleges that there has been a contravention or failure to comply with the provisions of the Act, these Regulations or an interconnection

agreement, the Commission shall investigate and make a decision in response to the allegation.

(9) Where the interconnect provider has informed the interconnect operator that it is able to provide interconnection, it shall ensure that the system conditioning and provisioning procedures required to provide such interconnection are undertaken within the time required by the interconnect operator.

(10) A telecommunications systems provider shall provide six (6) months notice to interconnect operators of planned changes to its telecommunications system that may materially impact on the telecommunications services of such interconnect operators.

(11) Disputes in connection with the timely provision of interconnection or notice of planned changes shall be submitted to the Commission for determination.

Establishment
and location

points of
Interconnection.

43.(1) Points of interconnection shall be established and maintained at any technically feasible points as agreed by the parties.

(2) Interconnect operators shall, in sufficient detail, give three (3) years notice to interconnect providers of the points at which they wish to be interconnected to enable the interconnect provider assess the systems conditioning and other requirements for establishing such points of interconnection.

(3) Points of interconnection shall be established as soon as practicable following a request but in any case not later than ninety (90) days from the date of the request.

(4) Interconnect operators shall be responsible for the cost of building and maintaining the points datafill and switching capacity to support the interconnection and for the costs of transport from their points of origination to points of interconnection.

(5) Where parties providing interconnect services

are telecommunications systems providers, they may mutually agree on the point of interconnection and share the costs of establishing such points of interconnection.

(6) Where a licensee seeking interconnection from any telecommunications systems provider requests that its facilities for interconnection be co-located with the facilities or premises of the telecommunications systems provider, such co-location shall be provided unless it is technically not feasible and the costs of such co-location shall be mutually agreed by the parties.

(7) Any disputes in connection with the establishment and maintenance of points of interconnection or co-location shall be submitted to the Commission for determination.

Calling line identity.

44.(1) Calling line identity and all necessary signaling data shall be passed between interconnecting parties in accordance with standards prescribed by the Commission.

(2) Disputes arising out of calling line identity shall be submitted to the Commission for determination.

Modification, suspension and termination.

45.(1) Parties to an interconnection agreement shall ensure that any modification, suspension or termination of interconnection agreements does not adversely affect customers.

(2) An interconnect provider may not terminate an interconnection agreement unless-

(a) the termination is as a result of a fundamental breach of the interconnection agreement and the interconnection operator after having been given an opportunity to remedy the breach, has failed to do so;

(b) the interconnect provider gives reasonable written notice of its intention to terminate and-

(i) specifies the grounds for termination; and

(ii) gives, in the case of breach, a notice of not less than three months, for the service provider to remedy the breach;

(c) The Commission has been notified and has consented to the termination.

(3) A party to an interconnection agreement may only suspend interconnection in exceptional circumstances and only where such suspension is intended to address a material degradation of telecommunications systems or services.

(4) Parties to an interconnection agreement which has been approved by the Commission may amend or modify such agreement by giving the Commission a copy of the proposed amendment and not less than thirty (30) working days written notice prior to the effective date the proposed amendment is to take effect.

Confidentiality.

46. (1) A party who receives information relating to interconnection from another party which is designated as "Confidential" shall keep the information confidential and may disclose it only-

(a) to employees, agents or advisers who need to know that information for the purpose of the provision of interconnection, or giving advise thereon;

(b) to persons to whom such disclosure is authorised by that other party;

(c) where such disclosure is authorised or required by law; and

(d) to the Commission.

(2) Confidential information relating to interconnection of a party received by another party, or business information generated by the telecommunications system of a party as a result of interconnection, shall be used solely for the purpose of providing interconnection, and shall

not be disclosed to any person involved in the development or provision of retail services of the other party or its subsidiaries or affiliates.

(3) The provisions relating to confidentiality of any matter in an interconnection agreement shall not prevent the disclosure by the Commission of any provisions therein due to public interest or pursuant to a legal process.

Interconnection
disputes.

47.(1) The submission of interconnection disputes to the Commission shall include an application from the submitting party requesting the Commission to resolve the dispute, which application shall contain-

- (a) a statement of any issues to which there are disagreement;
- (b) a statement of the issues that are disputed and requires the Commission's action;
- (c) the views of the applicant and a statement of reasons in support thereof; and
- (d) any other information as the Commission may require.

(2) The party against whom the application is filed shall have thirty (30) days to respond to the application and such response shall state the views of that party and a statement of reasons in support thereof.

(3) Nothing in this regulation shall prevent the parties from reaching an agreement and withdrawing the dispute by submitting the negotiated agreement to the Commission for approval.

Approval of
Interconnection
agreements.

48.(1) Parties to an interconnection agreement shall file with the Commission an application for the Commission's approval of each proposed interconnection agreement at least thirty (30) working days before the date the proposed agreement is to take effect.

(2) Parties to an interconnect agreement shall file

with the Commission an application for the Commission's approval of the renewal or extension of an existing interconnection agreement at least thirty (30) working days prior to the expiry of the agreement.

(3) The Commission may request for any information from the parties to an interconnection agreement that it deems necessary to evaluate the terms and conditions and the charges set forth in the agreement, and may request that the interconnection agreement be modified as specified by the Commission in writing.

(4) If the Commission does not request information or modifications within thirty (30) days of receipt of an application for approval of an interconnection agreement, or the renewal thereof, and does not make a decision on the interconnection agreement within that period, then the agreement shall be deemed to have been approved.

(5) Upon receipt of a request by the Commission to modify an interconnection agreement or any part thereof, the parties shall negotiate and submit a revised interconnection agreement to the Commission within ten (10) working days of receipt of the Commission's request.

(6) Where the parties are unable to agree on the requested modification, the Commission may, if it determines that a negotiated agreement is not possible, impose an interconnection agreement on the parties with the charges payable thereunder as set by the Commission.

(7) If the Commission does not request additional modifications or does not make a decision on the revised interconnection agreement within five (5) working days upon receipt of the revised interconnection agreement, the revised agreement shall be deemed to have been approved.

(8) A party who is aggrieved by the decision of the Commission may, within fifteen (15) days from the date of the Commission's decision, appeal to the Tribunal.

leased
capacity

49.(1) Any telecommunications service provider who intends to acquire leased capacity in order to provide licensed

services shall request the provision of such capacity from a licensed network infrastructure operator.

(2) In the event of a request referred to in paragraph (1) of this regulation -

- (a) the telecommunications service provider shall present a request in writing for leased capacity to a licenced network operator, which request shall specify the requested location, quantity and other technical requirements;
- (b) a licensed network operator shall reply in writing to the telecommunications service provider within fifteen (15) days after receipt of the request stating whether the required capacity can be supplied in accordance with the requested technical requirements, the offered price, and the date upon which the installation of the requested capacity shall be completed, which date shall not be later than ninety (90) days after receipt of the request;
- (c) a telecommunications service provider may apply to the Commission for permission to establish its own network or infrastructure upon failure by the licenced network operator to reply to a request within fifteen (15) days of receipt, or to complete the installation of the required capacity within ninety (90) days of receiving the request or to provide such capacity at a reasonable price or to provide such capacity at quality or technical standards which comply with telecommunication systems requirements.

(3) Where a licenced network or infrastructure operator is unable or unwilling to provide such service to a telecommunications service provider within ninety (90) days of receiving the request or at a reasonable price the Commission may, upon application, authorise such telecommunications service provider to establish the required capacity for its own use;

Provided that where the operator licensed to provide such infrastructure for any cause, is unable to provide such leased capacity within the prescribed time, it may apply to the Commission for an extension of time within which to provide such capacity to the telecommunications service provider.

PART VIII — TYPE APPROVAL OF TERMINAL EQUIPMENT

Purpose. **50.** Regulations in this Part shall ensure that the connection of apparatus to the telecommunications networks does not damage or jeopardise the integrity of the telecommunications network.

Categories of network and terminal equipment requiring type approval. **51. (1)** All telecommunications and radio communication equipments shall prior to their installation or connection to any public switched telecommunication network in Kenya be submitted to the Commission for type-approval.

(2) The Commission shall grant type-approval for each type of equipment once and subsequent users of the same model of equipment shall not apply to the Commission for type approval;

Provided that any changes in models, design or specification of any equipment which has been type approved by the Commission shall be resubmitted for type approval.

(3) The categories of network and terminal equipment that require type approval shall include-

- (a) telephone equipment;
- (b) fax machines;
- (c) private automatic branch exchange (PABXs) (including small business systems and key systems);
- (d) telex equipments;

- (e) modems;
- (f) cordless telephones;
- (g) cellular telephones;
- (h) radio communication equipments; and
- (i) any other customer premises equipment to be attached to any part of licensed telecommunications or radio communication network.

Type approval
Procedure.

52. (1) All applications for type approval of any equipment shall be submitted in the prescribed Form No. 2 set out in the First Schedule and shall be accompanied by-

- (a) the prescribed fee;
- (b) technical specifications and manuals of the equipment; and
- (c) where required, a sample of the equipment in quantities as may be determined by the Commission.

(2) The Commission shall not be obliged to return to the applicant any samples of equipments and associated literature submitted for the purposes of type approval.

(3) Where the equipment submitted for type approval is a single channel low capacity radio equipment, the Commission shall evaluate the application and convey its decision to the applicant within thirty (30) working days of receipt of the application;

Provided however that where the equipment submitted for type approval is a switch or switches of over one thousand (1000) ports, the Commission shall convey its decision to the applicant within sixty (60) days of receipt of the application for type approval.

Applications for

53. An application for type approval shall provide

type approval.

for -

- (a) the name of the equipment;
- (b) the name of the manufacturer;
- (c) the intended use within Kenya;
- (d) the name, address, and authorized representative of the individual or organization that will hold the type approval certificate; and
- (e) any other information that the Commission may require.

Language.

54. All applications for any licence and all other documentation submitted therewith shall be in english language.

Submission of samples of equipment for testing.

55. (1) The Commission may type accept any equipment that has received type approval from another country or jurisdiction that is recognised by the Commission;

Provided however that the applicant for type acceptance shall submit a sample or samples of the equipment and copies of test results and type approval certificate from that country or jurisdiction at the time of the submission of the application for provisional acceptance.

(2) The Commission may, on its own motion or upon an application, institute proceedings to determine whether technical standards from other countries or jurisdictions should be recognised in Kenya for purposes of exempting any equipment from type approval or testing requirements.

Provisional type approval.

56. (1) Any person may submit to the Commission an equipment for provisional type approval.

(2) Where the Commission has determined that an equipment which is the subject of an application for provisional type approval complies with the requirements for type approval, it may grant provisional type approval for a

period of six (6) months on terms and conditions as it may determine.

(3) The Commission may, where it deems necessary, when granting provisional type approval to any equipment limit the number of units of such equipment that an applicant can hold until final type approval is given.

(4) The Commission may extend the grant of the provisional type approval for one further period of six (6) months when it is of the view that the performance of such equipment within the provisional type approval period is satisfactory.

Final type
approval.

57. (1) All applications for final type approval shall be submitted in the prescribed Form No. 3 set out in the First Schedule five months after the grant of provisional type approval and shall indicate the date of grant of provisional approval;

Provided that no provisional type approval shall lapse or expire while an application for final type approval is pending with the Commission.

(2) Final type approval shall be granted where the Commission is of the view that the grant of such final type approval-

- (a) is in the public interest; and
- (b) will not lead to harmful interference to any telecommunications and radio communication network or be a risk to human health or the environment.

(3) The Commission shall inform the applicant in writing of the final type approval of an equipment or apparatus and shall issue the applicant with a registration number to display on the equipment or apparatus when the equipment or apparatus is being sold and used.

(4) Where the Commission is of the view that an equipment or apparatus should not be type approved, it shall

notify the applicant in writing of its decision not to type approve the equipment or apparatus and shall provide reasons for such refusal.

Revocation of type approval.

58. (1) The Commission may, on its own motion or upon a complaint by any person, conduct investigations regarding the working or use of any equipment or apparatus which has been given provisional or final type approval and may cancel such type approval where it is of the view that-

- (a) a licensee has violated provisional type approval conditions;
- (b) the equipment or apparatus is causing or is likely to cause harmful interference to telecommunications network or is a risk to human health or the environment.

(2) Any person who is aggrieved by the decision of the Commission made under this Part may appeal to the Tribunal.

Complaint procedures.

59. (1) Any person may make a representation in respect of the working of any equipment that has been type approved or may object to the type approval of any equipment and may submit such representation or objection to the Commission in writing stating-

- (a) the name and address of the complainant;
- (a) the name (and address if known) of the person against whom the complaint is made; and
- (c) facts, including supporting data, where available, showing that the apparatus does not conform to the requirements of this Part and that the apparatus may cause harmful interference to telecommunications and radio communications network or is a risk to human health or the environment.

(2) The Commission shall forward a copy of the representation or objection to the applicant or holder of a type

approval certificate and give the applicant or holder an opportunity to give evidence to rebut the representation or objection.

(3) The Commission shall consider such representations or objections when considering the grant of type approval or in evaluating the working of any equipment or apparatus for which has been type approved.

Import and
sale restrictions.

60. The Commission may, in consultation with the Kenya Revenue Authority, restrict the importation into or sale within Kenya of any telecommunications or radio communication equipment or any other apparatus if it is of the opinion that such equipment or apparatus can cause damage or harmful interference to telecommunications or radio communication networks or is a risk to human health or the environment.

Exemptions from
type approval.

61. The Commission may, where it deems expedient, exempt any telecommunications or radio communication equipment that is temporarily imported into Kenya from type approval requirements.

PART IX – NUMBERING

Management and
administration of
national numbering
plan.

62. The Commission shall be responsible for managing and administering the national numbering plan.

Considerations
when assigning
or publishing
numbers.

63. Prior to the assignment and publication of any numbering plan, the Commission shall ensure that such numbering -

- (a) allows sufficient numbers to be made available to a licensee;
- (b) are allocated without undue delay;
- (c) allows for the inclusion of as few digits as practicable;
- (d) does not confer an undue advantage on any operator;

- (e) keeps the cost of changing any of the telecommunications systems in order to accommodate the number plan within reasonable limits; and
- (f) minimise any inconvenience that may be caused by implementation of the numbering plan to a licensee and to persons using the telecommunications systems.

(2) The numbering scheme of each licensee shall comply with the Commission's guidelines concerning the implementation of the national numbering plan.

(3) The Commission may in assigning or allocating numbers to licensees charge fees for such allocation or assignment.

(4) For purposes of this Part –

“numbering plan” means the method of assigning NNX codes to provide a unique telephone addresses or identities to a user-network interface.

PART X - POSTAL AND COURIER SERVICES

Application. **64.** The Regulations in this Part shall apply to all postal service licensees.

Interpretations. **65.** In this Part, unless the context otherwise requires-

"basic postal services" means reserved postal services such as postal stamps, private letterboxes and acceptance, conveyance and delivery of letters weighing up to 350 grams;

"commemorative stamps issue" means the issuance of postage stamps as a mark of honour to events or matters of national or international importance and mainly used for philatelic purposes with a validity period of five years from the date of issue;

"course of transmission" means in case of, for a postal article, the time from the delivery of the postal article to the licensed postal service operator until the time of its delivery to the addressee, its return to the sender, or its disposal under the applicable provisions of these Regulations;

"definitive stamp issue" means stamps depicting nature or natural heritage and which are valid for a maximum of ten years from the date of issue;

"postal services licensee" means the Postal Corporation of Kenya and all organisations licenced to provide unreserved postal services, including courier companies, transporters, freight, forwarders, delivery companies and direct marketing companies which handle postal articles;

"reserved postal services" means -

- (a) the collection, transport, sorting, and delivery, for hire or reward of letters and postcards weighing up to 350 grams, but not including exempted letters sent by licensed courier, letters accompanying goods at the time of delivery, newspapers, magazines, books, non-addressed leaflets, catalogues, and trade announcements letters delivered otherwise than for reward letters delivered by an employee of the sender letters containing any writ or proceeding out of court or any legal instrument of any kind and, letters carried to the premises of a provider of electronic mail service for the purpose of transmission by electronic mail;
- (b) the production and issuance of postage stamps, pre-stamped envelopes, aerograms, and international reply coupons bearing the official national coat of arms or the words "Republic of Kenya," "Kenya," or "Kenya Post"; and
- (c) the rental or lease of private letter boxes or bags;

"universal postal services" means consistent supply of basic postal services at affordable prices at all points within the country;

"universal service obligations" means obligations assumed by the public postal licensee by virtue of a licence granted by the Commission under the Act to provide, as far as possible, basic postal services to all persons within Kenya at affordable prices that are not necessarily cost-based;

"unreserved postal services" means courier services, counter services, money orders, electronic bill paying, parcel collection transport and delivery, expedited mail service, overnight mail services, and other handling of postal articles.

International and regional arrangements.

66. (1) The provisions in this Part shall be carried out in accordance with the terms of any international or regional convention or agreement to which Kenya is a party.

(2) Where a postal licensee conduct international postal services, the Commission shall ensure that such a licensee conduct their operations in accordance with the rules, regulations and procedures of the conventions and agreements to which Kenya is a party, except to the extent that Kenya's adherence thereto is limited by a reservation.

Delivery of Postal articles.

67. (1) A postal article shall be deemed to have been delivered-

- (a) to the addressee, if it is delivered into a private letter box or bag of the addressee, leaving it at the house, or office of the addressee as set out thereon, or with the employee or agent or other persons authorised to receive it and, where the addressee is a guest or is a resident at a hotel, hostel or lodgings, if it is left with the proprietor or manager thereof or with his agent; or

- (b) to a postal service licensee if it is deposited into a posting box or handed over to an employee or agent of a postal service operator authorised to receive it.

Licensing of
postal services
Operators.

68.(1) No person shall operate a reserved or unreserved postal service except in accordance with a licence issued under the Act.

(2) The Commission shall prescribe the terms and conditions of all licences, as it considers consistent with the provisions of the Act, these Regulations and such other circumstances as it may deem necessary.

Applications
for licence.

69. (1) Any person may, subject to the provisions of the Act and these Regulations, apply for a licence from the Commission to operate postal services.

(2) Applications for postal service licences shall be made in writing in the prescribed form No.1 set out in the First Schedule.

(3) In considering any application for a postal licence, the Commission may require the applicant to produce such evidence or information to show his or her capacity to operate postal services as the Commission may deem necessary.

(4) The Commission may require applicants for postal licences to provide evidence of ownership of the firm or company applying for the licences in support of the application and any person who knowingly gives false information shall be guilty of an offence.

(5) Applicants for a postal licence shall submit to the Commission-

- (a) particulars as to the services to be operated; and
- (b) the geographical area for which postal services are proposed to be carried out.

(6) All applications for a postal licence shall be accompanied by the prescribed fees.

(7) All licences issued under this regulation shall be in writing and unless previously revoked in accordance with any terms contained in the licence or as a result of a contravention of the Act or these Regulations or the terms of the licence, shall continue in force for such period as may be specified therein.

Conditions
of Licence.

70. (1) A postal service licence shall set out the terms and conditions upon which it is granted and shall require the provision by the licensee of such postal services as are specified in the licence and may include the provision of services to rural or sparsely populated areas or other specified areas.

(2) Postal licences shall not be used for purposes other than for which it is issued and any other use of the licence, or contravention of the conditions stated therein, shall constitute an offence.

Non-discrimination.

71. (1) Postal licensees shall not take any action in the provision of postal services that has or is likely to have the effect of giving an undue preference to, or causing undue discrimination against, any person or category of persons.

(2) If it appears to the Commission that a licensee is taking or intends to take any action which has or is likely to have the effect of giving undue preference to, or causing undue discrimination against any person or category of persons, the Commission may, after having given such licensee an opportunity to be heard, direct the licensee through a written notice to cease or refrain from taking such action, as the case may be.

(3) Failure to comply with an order of the Commission issued under this regulation shall constitute an offence.

Licence fees.

72. (1) If the Commission is satisfied that an applicant has fulfilled all the conditions for granting a licence and upon payment to the Commission of the prescribed fees, the Commission shall issue such an applicant with a licence.

(2) Every postal licensee shall, within the prescribed time, pay the Commission the fees specified in the licence and any licensee who fails to pay such fees shall be liable to pay such penalties as the Commission may prescribe.

Licence terms.

73. All postal licences issued under the Act shall be valid for the period stated in the licence or for such period as may be determined by the Commission.

licence
modification
and renewal.

74.(1) Pursuant to section 82 of the Act, the Commission may, modify the conditions of any licence if it considers such modification necessary –

- (a) to achieve the objectives of the Act;
- (b) in the public interest;
- (c) in the best and justified interests of the licensees; and
- (d) in order to ensure fair competition and equal treatment.

(2) Where the Commission intends to modify all or any condition of a postal licence, the Commission shall publish a notice in the Gazette stating the reasons for the intended modification and giving not less than sixty days period for the licensee or other interested parties to make any written representation regarding the intended modification.

(3) The Commission shall give due consideration to any representations made by the licensee.

(4) Where the modification of a licence condition is at the instance of the Commission and such modification is likely to cause undue harm to the licensee, the Commission may grant such licensee a reasonable period to comply with the modification terms of the licence.

(5) The Commission may, if it considers appropriate to do so in furtherance of the objectives of the Act, modify the terms of a postal licence on application of a postal licensee;

Provided that where such modification is at the request of a postal licensee, such licensee shall meet the costs of the modification.

(6) Any person who is aggrieved by the decision of the Commission made under this regulation may appeal to the Tribunal within fifteen (15) days from the date on which the decision is made.

Suspension
and cancellation
of licences.

75. (1) Every postal licence shall contain provisions for the suspension or revocation of the licence.

(2) Notwithstanding the provisions of paragraph (1), the Commission may suspend or revoke a licence on grounds of-

- (a) serious and repeated breach of the licence conditions;
- (b) discovery of any fraud or intentional misrepresentation by a licensee at the time of applying for the licence;
- (c) engagement in or support of unlawful activities by the licensee; or
- (d) cessation of the licensee to be a person who is eligible to hold such licence; or
- (e) failure to pay the prescribed fees.

(3) Unless provided otherwise in the licence, the Commission shall give a licensee sixty (60) days written notice of its intention to suspend or cancel a licence and shall specify in such notice the reasons for the intended suspension or cancellation of the licence.

(4) The licensee or any interested party may make representations against such suspension or cancellation to the Commission.

(5) After due consideration of such representations, the Commission may-

- (a) prescribe the time during which the licensee may remedy the offending act or conduct; or
- (b) require the payment of a penalty or fee as specified in the Act or these Regulations.

(6) Where a licensee has not complied with the conditions set by the Commission in paragraph (5) of this regulation, it may-

- (a) suspend the licence for a specified period of time; or
- (b) revoke the licence.

(7) Any person aggrieved by the decision of the Commission, under this regulation may within fifteen (15) days from the date on which the decision is made appeal to the Tribunal.

Transfer or lease
of licence.

76. (1) No postal licence shall be transferred or leased without the written consent of the Commission.

(2) Where a licensee intends to transfer or lease a postal licence, he shall make an application to the Commission.

(3) An application for the transfer or lease of a licence shall be in the prescribed form completed by the person to whom the licensee intends to transfer or lease the licence.

(4) The Commission shall in considering an application for transfer or lease of a licence have regard to the same terms and conditions as when considering the grant of a new licence;

Provided that the Commission may at its discretion reject an application made under this regulation.

lapse and
renewal of
Licence.

77. (1) An application for renewal of a licence shall be made in accordance with the provisions of each licence.

(2) In considering an application for renewal of a licence, the Commission shall have regard to the fulfilment by the licensee of the licence terms and conditions in the previous licence period.

(3) An application for renewal of a public postal licence shall be made at least six months before the expiry of the licence.

(4) A licensee may, during the prescribed period, apply for the renewal of his or her licence.

(5) Where a licensee has complied with the Act, these Regulations and the licence, a licence shall continue to be valid until such time as a decision has been made regarding the application for the renewal.

Operation of
reserved postal
services.

78.(1) The Commission may from time to time require a person licensed to provide reserved postal services to provide such services to areas which are not adequately served.

(2) A licensee for the provision of reserved postal services may provide such services through a contract, agency or franchise without such agent or franchisee being required to hold a licence under the Act.

(3) A licensee designated as a public postal licensee shall maintain separate books of account for reserved postal services and unreserved postal services and shall not cross-subsidise the prices for any service it offers in the market for unreserved postal services with revenue from the sale of reserved postal services.

Tariffs for
unreserved
postal services

79. (1) All postal licensees shall have the power to set tariffs for postal services which are open to competition.

(2) All tariffs for unreserved postal services shall be made available to the public by displaying them in conspicuous places in post offices or in the offices of licensees.

(2) It shall be an offence under this regulation not to display tariffs for postal services at all or in a conspicuous place.

Tariffs for
reserved
postal services

80. (1) Tariffs applicable to reserved postal services and the standard of delivery of such services shall be determined by the Commission from time to time.

(2) Any review of tariffs relating to reserved postal services shall be implemented upon approval by the Commission.

(3) In considering review of tariffs for reserved postal services, the Commission shall ensure that the tariffs are based on the cost of providing efficient service in accordance with the licence and shall further ensure that such tariffs do not include-

- (a) surcharges prevailing solely as a result of the public postal licensee's exclusive right to provide reserved postal services;
- (b) anti-competition discounts likely to be prejudicial to licensees for unreserved postal services;
- (c) variation in rates that create any advantage for individual users within the same class of service in relation to users of postal services of the same type; and
- (d) any other consideration as the Commission may deem necessary;

Provided that the Commission may authorise the levying of tariffs that are not based on costs of providing such service where the public postal licensee presents a case to the

Commission that such charges are justifiable due to any statutory obligation or other objectively verifiable criteria.

(4) The Commission shall, at least thirty (30) days before approving any tariffs, give notice to customers in the Gazette and in such manner as the Commission may consider necessary-

- (a) specifying the name and particulars of the licensee or class of licensees providing the postal service to which the tariffs relate;
- (b) stating the reasons for the proposed review of the tariffs and setting out the proposed tariffs;
- (c) specifying the time within which representations or objections may be made to the Commission on the proposed reviews;
- (d) informing the customers of the new tariffs at least fourteen (14) days before implementation.

Unreserved
postal services
fees and
operations

81. (1) All licensees of unreserved postal services shall operate at least one physical address which shall be registered with the Commission and any change of such registered office shall be notified to the Commission within a period of fourteen (14) days of such change.

(2) Subject to the Act, these Regulations and licences, the Commission shall have the power to categorise postal licensees and to prescribe fees payable to the Commission by such licensees.

Consumer
complaint
procedures.

82. (1) All licensees shall provide a mechanism through which consumers may lodge complaints concerning the services given by such licensee.

(2) Notwithstanding the generality of paragraph (1), the procedures for lodging complaints shall provide for -

- (a) notification to customers of the right to complain;
- (b) availability of complaint form or any other written method for raising complaints;

- (c) maintenance of a log of consumer complaints.

(3) All licensees shall file with the Commission within sixty days after the grant of a licence their complaint handling procedures.

Universal
Service obligation.

83.(1) The Commission shall from time to time provide targets to facilitate the achievement of universal service obligation.

(2) In providing targets for the fulfillment of universal service obligations by postal licensees, the Commission shall have regard to-

- (a) measurable quantity and quality of service standards for postal services in relation to customer satisfaction;
- (b) speed, reliability and security of the service; and
- (c) accessibility to and affordability of universal postal services.

(3) The provision of universal postal services shall be the responsibility of the public postal licensee;

Provided that the Commission may require any licensee for unreserved postal services to provide any or all universal postal services.

(4) In providing universal postal service obligations, the Commission may require the public postal licensee to provide such services in accordance with standards as may be prescribed by the Commission from time to time.

(5) The public postal licensee shall produce at least bi-annually directories of private letter boxes and bags and

failure to produce such directories shall constitute a violation of a licence condition for which the Commission may levy a penalty.

(6) Any postal licensee who fails to provide universal postal services as stated in the licence or as required by the Commission shall be liable to a penalty of six thousand shillings for every month or part thereof during which such failure continues.

Issuance of
postage stamps.

84. (1) The public postal licensee shall ensure that all postage stamps are engraved with subjects that are consistent with the broad philatelic objectives of Kenya.

(2) No reproduction of stamps shall be undertaken without the approval of the Commission.

(3) In considering any expedient issuance of definitive, commemorative and special stamp issues and related activities such as exhibitions, the public postal licensee shall foster fairness amongst all interested parties such as stamp collectors.

(4) All definitive stamp issues shall-

- (a) run for between five and ten years;
- (b) concern subject matters approved by the Commission;
- (c) bear face values to be chosen by the public postal licensee; and
- (d) be issued once every five years.

(5) All commemorative stamps shall be issued not less than six times but not more than six times annually and shall-

- (a) concern a subject matter approved by the Commission; and,
- (b) bear face values to be chosen by the public postal licensee.

(4) Failure to comply with this regulation shall constitute an offence punishable by a fine of not less than six thousand shillings.

Reporting
requirements.

85. (1) At the times stated in the license or as may be prescribed by the Commission, postal licensees shall annually submit to the Commission a report containing-

- (a) an annual report of accounts;
- (b) pricing and tariff implementation fourteen (14) days before the prices or tariffs are implemented;
- (c) quality of service performance;
- (d) business plans;
- (e) the new services introduced;
- (f) any other information that the Commission may require.

(2) Save as may be agreed between the Commission and any licensee, all information provided pursuant to this regulation shall be treated as confidential business information and shall be dealt with in accordance with Part II of these Regulations.

Production of
records and
inspections.

86. (1) The Commission may require a postal licensee to produce or furnish the Commission at the time and place specified accounts, records and other documents or information as the Commission may require.

(2) Upon identification and production of a written authority from the Commission, any officer from the Commission, may in order to determine whether the provisions of the Act or these Regulations are being complied with, at any reasonable time and without prior notice enter the premises of a postal licensee and-

- (a) inspect and make copies of or extracts from books, records or other documents;
- (b) demand the production of and inspect the relevant licence; and

(c) inspect facilities and premises.

(3) Any person who obstructs an officer of the Commission from performing his or her duties and functions as provided in the Act or these Regulations shall be guilty of an offence and shall, if convicted, be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months or to both.

Suspension or
cancellation of
licences

87.(1) The Commission may, in accordance with the provisions of the Act or these Regulations suspend or cancel any postal licence.

(2) Upon the suspension or cancellation of a licence by the Commission, no licensee shall be entitled to a refund of any fees paid in respect of such licence.

Interconnection.

88.(1) A postal licensee may enter into any written agreement with another postal licensee to interconnect their postal services.

(2) An interconnection agreement referred to in paragraph (1), shall be filed with the Commission within thirty (30) days after the date of such agreement.

(3) No postal or courier licensee shall use a public postal licensee's network to deliver mail outside Kenya except with prior written consent of that public postal licensee.

(4) No postal licensee shall bundle letters and insert into a public postal licensee's network with the intention of having such bundles conveyed by that public postal licensee except with the written consent of that public postal licensee.

Disposal of
undeliverable
postal articles.

89. (1) Letters or other postal articles that are undeliverable due to an unreadable or non-existent address may be opened by a postal licensee and where the letter or articles is capable of being delivered based on information in the letter or article, the letter or article shall be delivered accordingly.

(2) Where a letter or postal article opened as

provided in paragraph (1), is incapable of being delivered, but contains the sender's address, it shall be returned to such sender.

(3) Where a letter or postal article is incapable of being delivered but has a sender's address on it, it shall be returned to such a sender unopened.

(4) Every undeliverable postal article that has been opened and remains undeliverable may be kept for a minimum period of three months and may thereafter be destroyed;

Provided that where such a letter or postal article contains any thing of value or a saleable article, it shall be safely kept and a record thereof opened and maintained by any postal licensee for a period of six months and if unclaimed, the contents shall be disposed off in accordance with any written law.

(5) Where a letter or postal article is returned to a sender by reason of being undelivered as addressed and that sender refuses to take delivery of the same, the letter or postal article shall be dealt with as provided for in paragraph (4).

PART XI – TARIFFS REGULATION

Scope.

90. (1) Except as provided in regulation 97, this Part shall apply to licensed services which are not open to competition and whose tariffs are subject to regulation by the Commission.

Price cap.

91.(1) All licensees whose tariff rates are subject to review by the Commission pursuant to the price cap condition provided for in respective licences shall file with the Commission applications for the adjustment of such tariff rates.

(2) All licences for services that are subject to price cap condition shall contain the period in which such tariffs may be adjusted once a year.

(3) The obligation to comply with the terms and conditions of the price cap shall extend from the date on which a licence becomes effective up to the period when the services

whose tariffs are regulated are open to competition as provided for in the relevant licences or as may be determined by the Commission.

Applications for tariff approval.

92. All applications for approval of tariffs shall be filed with the Commission and shall-

- (a) conform to the methodology and formula defined in the relevant licence or such other terms as the Commission may prescribe; and
- (b) contain relevant documentation, including all calculations and other information in support of the application.

Notice on tariffs.

93. (1) The Commission shall, at least sixty (60) days before approving any proposed tariffs submitted to it under regulation 93, give notice in the Gazette and in such other manner as it considers necessary-

- (a) specifying the name and particulars of the licensee or class of licensees providing the service to which the tariffs relates;
- (b) stating the reasons for the proposed review of the tariffs and the new tariffs;
- (c) specifying the time within which representation or objections may be made to the proposed new tariffs.

(2) The Commission shall in considering the application for review of the tariffs take into account such written representations or objections received under paragraph (1) (c).

Decision on tariffs.

94. (1) Any proposed tariffs under the price cap condition shall be deemed approved if the Commission does not communicate its disapproval of the same to the applicant within sixty (60) days after receipt of the application or within fifteen (15) days after the applicant has furnished the Commission with any information sought and the Commission

has not indicated its approval of the proposed tariffs.

(2) The Commission may reject an application for the imposition of proposed tariffs if it is of the view that the proposed rates are unjustifiable.

(3) A decision of the Commission rejecting the imposition of proposed tariffs shall -

- (a) be in writing;
- (b) state the reasons for the rejection; and
- (c) be made available to the licensee.

(4) Upon approval by the Commission of any new tariffs, a licensee shall notify its customers of the new tariffs through publication in the Gazette or in such other publications as the Commission may determine and shall in such notice provide for a grace period of not less than fourteen days before implementing the new tariffs.

Investigation and
suspension
of tariffs.

95. (1) The Commission may, on its own motion or pursuant to a complaint made under this regulation, investigate any tariffs charged by a licensee.

(2) An application for investigation, suspension or rejection of any tariffs brought under subsection (1) shall-

- (a) be in writing;
- (b) specify the name and address of the petitioner and state the interest of such petitioner; and
- (c) the reasons why such tariffs should be investigated, suspended or rejected.

(3) Where after the investigations, the Commission is of the view that the tariffs should be suspended or rejected, it may reject or suspend such tariffs;

Provided that in case of a suspension of the tariffs the Commission shall notify the licensee and give such licensee twenty (20) days to respond to the intended cancellation.

Tariffs
(file and use)

96. (1) All licensees under the Act who provide services to the public shall file with the Commission schedules of their tariff rates including those of their agents and correspondents.

(2) All licensees whose services are not subject to the price cap condition shall file with the Commission changes to existing tariffs, including the terms and conditions applicable thereto but excluding special offers and other promotions.

(3) All licensees, unless exempted by the Commission, shall only charge their customers the filed tariffs and shall further ensure that all filed tariff rates are printed and kept open for public review and inspection and shall furnish its customers upon request with such schedules.

(4) In this Part unless the context otherwise requires-

“price cap” means a methodology where the price charged for a service is allowed to change by the rate of inflation over the initial price with an adjustment factor (X) based on factors such as technological changes, need to finance development infrastructure and need to adopt efficient working systems; and

“tariff-regulated services” means services offered by a licensee which are not open to competition and whose tariffs are subject to regulation by the Commission.

PART XII - REPORTS, INVESTIGATIONS, INSPECTIONS AND ENFORCEMENT

Annual reports.

97.(1) Every licensee shall, at the end of every business year, prepare and submit to the Commission in a prescribed form, a report of its operations and the extent to which the conditions of the licence have been adhered to.

(2) The report shall be signed and certified by a duly authorised officer of the licensee as a true, complete and accurate report of the licensee.

(3) A licensee may request the Commission to treat any information contained in a report presented to the Commission under this regulation as confidential business information that may not be disclosed to third parties other than government agencies.

Investigations.

98. (1) The Commission shall have the power to investigate any matter falling within its competence under the Act or these Regulations that relates to-

- (a) communications services provided or communications equipment or apparatus manufactured or supplied in Kenya;
- (b) any representation made to the Commission by or on behalf of a person whom the Commission considers to have an interest in the matter which is the subject of the representation; or
- (d) a dispute by any customer of a communications service or a member of the public to the Commission in relation to the communication services provided by a licensee;

and the Commission may make any inquiry as it deems necessary and ensure that appropriate measures are taken as the circumstances of the case may require.

(2) The Commission may appoint any person or persons to inquire into and report to the Commission on any matter pending before the Commission.

(3) The Commission may give to any person or persons appointed under this regulation directions regarding procedures for conducting an inquiry and the person or persons appointed to carry out such enquiries shall submit a report to the Commission in the form and manner as the Commission may direct.

(4) Where as a result of such inquiry, the Commission is satisfied that a licensee is in breach of the Act or these Regulations, it may direct the licensee in writing to remedy the breach or to do such act or acts as the Commission may in writing require.

(5) In the course of any inquiry, the Commission may require a licensee to take such steps as appears to the Commission to be necessary to rectify any cause or matter which gave rise to the dispute.

Inspection.

99.(1) The Commission may appoint inspectors for the purposes of verifying compliance with the provisions of the Act and these Regulations.

(2) The Commission shall ensure that all inspectors appointed under these Regulations are issued with identity cards which shall be produced by such inspectors at the request of any person in charge of any place to be inspected.

(3) An inspector may enter and inspect at any reasonable time, any premises owned or controlled by a licensee in which the inspector on reasonable grounds believes to have any document, information, or apparatus relevant for ensuring compliance with the Act or these Regulations and to examine such document, information or apparatus or remove it for examination or reproduction as the case may be.

(4) Where an inspector has reason to believe that there is any communication equipment or interference-causing apparatus, he may examine such equipment, apparatus, logs, books, reports, data, records, documents or other papers and remove such information, document, apparatus, or equipment for examination or reproduction.

(5) An inspector shall sign for any information, document, article, apparatus or equipment removed by him or her and shall leave a copy of the duly signed document indicating that removal.

(6) For the purpose of exercising, performing and discharging the powers, functions or duties of the Commission under the Act or these Regulations an inspector, may by notice

in writing require any person -

- (a) to furnish him or her within such time and at such place as may be specified in the notice, any document specified or described in the notice which is in custody or control of such a person; or
- (b) to produce for inspection any book, return, account or record in his possession or control.

(7) All licensees and holders of authorisations shall allow inspectors to access their facilities at reasonable times for the purpose of enabling the inspectors to carry out inspection and verification, including visits to premises and facilities and the inspection of equipment and documents.

(8) An inspector shall not have the authority to compel any person, for any reason, to produce any document which he could not be compelled to produce in any civil proceedings before a court.

Enforcement of
licence conditions.

100. (1) Where the Commission is of the view that a licensee is contravening or has contravened any provision of a licence, the Commission may, subject to paragraph (2) of this regulation, make an order for the purpose of securing compliance with that condition or may, subject to subsection (4) of this regulation, revoke such an order.

(2) Before making an order under paragraph (1), the Commission shall give notice to the licensee -

- (a) stating that it proposes to make the order and setting out its effect;
- (b) stating the relevant condition of the licence and the acts or omissions that, in the Commission's opinion, have been, are being or would be contravened; and
- (c) specifying the time not being less than fifteen (15) days from the date of publication of the

notice within which representations or objections to the proposed order may be made.

(3) Before making an order under paragraph (1), the Commission shall consider any representations or objections made to it in that regard.

(4) Before revoking an order made under paragraph (1), the Commission shall give notice-

(a) stating that it proposes to revoke the order and setting out its effect; and

(b) specifying the time, not being less than sixty (60) days from the date of publication of the notice, within which representations or objections to the proposed revocation may be made by any interested party and shall consider any representations or objections made to it in that regard.

(5) A notice under paragraph (2) or paragraph (4) shall be given by publication in such a manner as the Commission considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by such notice and by sending a copy of the notice to the affected licensee.

(6) As soon as practicable after an order is made under paragraph (1), the Commission shall serve a copy of the order on the licensee affected by such an order.

PART XIII – MISCELLANEOUS PROVISIONS

Roaming agreements.

101. (1) Mobile cellular telecommunications licensees may enter into agreements to provide roaming services on a reciprocal basis to every other licensee of mobile cellular service that requests such service.

(2) An agreement to provide roaming services shall, upon request, require a licensee to provide mobile cellular telecommunications to all subscribers of another licensee of a

mobile cellular telecommunications system, while such subscribers are located within any portion of the licensee's authorised geographic service area where facilities have been constructed and service to subscribers has commenced, if such subscribers are using mobile equipment that is technically compatible with the licensee's base stations.

Registration of
telecommunications
contractors and
vendors.

102.(1) Any person who intends to be a contractor of telecommunications wiring or a vendor of a telecommunications or vendors of such equipment or apparatus shall register with the Commission upon payment of the prescribed fees.

(2) Upon application and registration, the Commission shall issue such contractor or vendor with a registration certificate in the prescribed form.

(3) Any person who conducts any business of wiring, installing or maintaining customer premises equipment or vending of telecommunications equipment without a registration certificate from the Commission shall be guilty of an offence.

Fees

103. The fees structure set out in the Second Schedule shall be applicable in respect of any application made under these Regulations and may be reviewed from time to time by the Minister.

Name of proprietor	Nationality	Address	Passport/ID No.
1.
2.
3.
4.
5.
6.
7.

Where the Applicant is a Company

i) Name of Shareholder	Nationality	No. of shares held	Passport/ID No.
1.
2.
3.
4.

ii) Name of Director	Nationality	Address	Passport/ID No.
1.
2.
3.
4.

6. SHARE HOLDING

- i) Local% Foreign%
- ii) Authorised Shares Issued Shares
- iii) Is the company listed in the Nairobi Stock Exchanges? If yes, state the date on which it started trading.

7. REGISTRATION CERTIFICATE

Certificate No. Date

8. NAME AND ADDRESS OF THE BANK OR FINANCIAL INSTITUTION WHERE BUSINESS ACCOUNT IS MAINTAINED

9. DETAILS OF THE SERVICES PROPOSED AND MARKET TO BE SERVED
(Use separate sheet where necessary)

10. PERSONAL DETAILS

i) State whether any of the partners/directors/shareholders is undischarged bankrupt.

(If so, indicate the names)

.....
.....
.....
.....
.....
.....
.....
.....
.....

ii) State whether any of the partners/directors/shareholders have a beneficial interest in any other business licensed to provide or operate postal services.

.....
.....
.....
.....

iii) Has any previous application by you been rejected under the Act? (If so, give details)

.....
.....
.....

.....
iv) Has any previous licence granted to you under the Act been cancelled, suspended or modified? (If so, give details)

.....
.....
.....
.....

11. MANDATORY REQUIREMENTS

- i) Certified copy of proof of shareholding from the Registrar of Companies
- ii) Certified copy of proof of registration or incorporation in Kenya
- iii) Certified copy of PIN card
- iv) Non-refundable licence application fee of Kshs 10,000/=
- v) Letter of application with Company seal (where applicable)

(All documents attached to this application should be certified as true copies of the originals)

12. COMPLETED APPLICATION FORMS SHOULD BE RETURNED TO:-

Director-General
Communications Commission of Kenya

13. DECLARATION

I/We hereby certify the information we have provided in this application is true and correct. I/We also understand that it is an offence under the Penal Code to give false information in support of any application.

Name

Designation.....

Signature.....

Date

FOR OFFICIAL USE ONLY

The applicant **MEETS/DOES NOT MEET** the Commission's requirements and is hereby **RECOMMENDED/NOT RECOMMENDED** for approval of licensing as

a

The reasons for not recommending the applicant are as follows:-

.....

.....

.....

.....

.....

.....

Name.....Designation.....

Signature.....Date.....

Official stamp

FORM NO. 2

Regulations 52 and 57

COMMUNICATIONS COMMISSION OF KENYA

APPLICATION FOR TYPE APPROVAL/ACCEPTANCE

1. PARTICULARS OF VENDOR

(i) Full names of Company/Business

.....

P.O. Box.....Tel No.:

Fax No..... E-mail

(ii) Physical Address:

Town.....Estate.....Street/Road.....

Name of building.....Floor.....Room.....

2. DESCRIPTION OF EQUIPMENT

ITEM NO	TYPE	MANUFACTURER	MAKE AND MODEL	SERIAL NUMBER/IMEI	COUNTRY OF
---------	------	--------------	----------------	--------------------	------------

3. REQUIRED ITEMS

- (i) Letter of Agency from manufacturer or principal distributor.
- (ii) Non-refundable approval/acceptable fee of Ksh.....vide Receipt No.....of.....
- (iii) Sample of equipment/instrument model complete with associated accessories and attachments.
- (iv) Detailed technical documentation (operation, programming, service, technical, circuitry) in English language.
- (v) Test report (Results) from manufacturer or accredited laboratories and test schedules.
- (vi) List from manufacturer stating other countries where the equipment is type approved and in service.

4. DECLARATION

I hereby apply for provisional Type Approval/Acceptance / authority to market the equipment(s) specified above in Kenya on behalf of my company. I certify that all the information I have given in this form is correct to the best of my knowledge.

Applicant's
 Name.....Sign.....Date.....
 Contact Tel No.....

5. FOR OFFICIAL USE ONLY

- (i) Case No.....
- (ii) Evaluating officers name.....Sign.....
- (iii) Approval Recommended/Not Recommended (Delete where not applicable).
- (iv) TAC No..... Approved/Not Approved/Deferred (Delete where applicable)

APPLICATION FOR FINAL TYPE APPROVAL/ACCEPTANCE

1. PARTICULARS OF VENDOR

- i) Full names of Company/Business
.....
P.O. Box.....Tel No.:Fax No.....
Email
- (ii) Physical Address:
Town.....Estate.....Street/Road.....
Name of Building.....Floor.....Room.....

2. DESCRIPTION OF EQUIPMENT

ITEM NO	TYPE	MANUFACTURER	MAKE AND MODEL	SERIAL NUMBER/IMEI	COUNTRY OF ORIGIN

3. DETAILS OF INSTALLATIONS

ITEM NO	MAKE, MODEL, TYPE OF EQUIPMENT	DATE PROVISIONALLY APPROVED BY CCK & REFERENCE NUMBER	DATE OF INSTALLATION	POSTAL, TELEPHONE, FAX, E-MAIL & PHYSICAL ADDRESS OF REFERENCE	CONTACT PERSON & RANK IN ESTABLISHMENT

Please continue on a separate sheet. Also attach details of employees and their qualifications and details of workshop.

4. DECLARATION

I hereby apply for Final Type Approval/Acceptance / authority to market the equipment(s) specified above in Kenya on behalf of my company I certify that all information I have given in this form is correct to the best of my knowledge.

Applicant's Name.....Sign.....Date.....
Contact Tel No.....

5. FOR OFFICIAL USE ONLY

- (i) Case No.....
- (ii) Evaluating officers name.....Sign.....
- (iii) Approval Recommended/Not Recommended (Delete where not applicable).
- (iv) TAC No./Item No..... Approved/Not Approved/Deferred (Delete where applicable).

Form No. 4

Regulation 56

COMMUNICATIONS COMMISSION OF KENYA

**APPLICATION FOR INDIVIDUAL AUTHORITY TO USE
TELECOMMUNICATION TERMINAL EQUIPMENT**

1. PARTICULARS OF APPLICANT

- (i) Full names of Applicant/Company
.....
P.O. Box.....Tel No.....
- (ii) Physical Address where the equipment will be used
Town.....Road/Street/Estate.....Building.....
- (iii) Details of Network in which the equipment is to be connected (i.e.
Radio/Data etc).....
- (iv) Type of service for which the equipment is intended to be used (e.g.
ISP access, Bureau, Residential voicemail, etc)
.....
- (v) Telephone/Circuit number(s) to which the equipment will be connected
(where applicable)
.....

2. DESCRIPTION OF EQUIPMENT

ITEM NO	TYPE	MANUFACTURER	MAKE AND MODEL	SERIAL NUMBER/IMEI	COUNTRY OF ORIGIN

3. **REQUIRED ITEMS**

- (i) Sample of equipment/instrument model complete with associated accessories and attachments.
- (ii) Technical Manuals (Operation, Programming, specifications).
- (iii) Non-refundable approval/acceptance fee of Kshs.....vide Receipt No.....of.....
- (iv) Maintenance contract letter from registered Contractor (where applicable).
- (v) Copy of purchase/import ownership documents

4. **DECLARATION**

I hereby apply for authority to use the equipment specified above in Kenya. I certify that all information I have given in the form is correct to the best of my knowledge.

Applicant's
Name.....Sign.....Date.....
.....
Contact Tel No.....

5. **FOR OFFICIAL USE ONLY**

- (i) Case No.....
- (ii) Evaluating officers
name.....Sign.....
- (iii) Approval Recommend/Not Recommended (Delete where not applicable).
(i) TAC
No.....Approved/Not
Approved/Deferred (Delete where applicable).

Form No.5

Regulation 18

COMMUNICATIONS COMMISSION OF KENYA

**APPLICATION FOR FREQUENCY ASSIGNMENT AND LICENCE IN RADIO
COMMUNICATION SERVICE**

1. Administrative details:

- a) Name of the organisation(or individual).....
Nationality.....ID/PP No.....
Postal address.....
Business Telephone..... Fax.....
Physical Location: Road/Street.....Building..... LR No.....
- b) Name and postal address of the local supplier (if any).....
Postal address.....
Business Telephone..... Fax.....
- c) Type of radio communication service service:.....
• HF
• MF
• FM
(delete as appropriate)
- d) Authorised broadcast area(s).....
(attach certified copy of broadcasting permit)
- e) Name of person / organisation responsible for payment of bills.....

2. Transmit Site Details:

- i) Name.....
- ii) Land registration number.
- iii) Road/Area
- iv) Geographical co-ordinates:
Latitude : Degrees.....MinutesSeconds (N/S)
Longitude : Degrees.....MinutesSeconds(E)
- v) Altitude above sea level (in metres).....
- vi) Relative height around 15 kilometre radius
.....

3. Transmitter Equipment Details:

- a) Equipment and performance characteristics.
- i) Name
- Model
- Serial number
- ii) Carrier output power.....
- iii) Effective Radiated Power (dBW)
- iv) Transmission system (applicable to FM systems only) :
.....
- System 1: Monophonic, max deviation +/-75 kHz
 - System 2: Monophonic, max deviation +/-50 kHz
 - System 3: Stereophonic ,polar modulation, max deviation +/-50 kHz
 - System 4: Stereophonic, pilot tone system , max deviation +/-75 kHz

- System 5: Stereophonic, pilot tone system ,max deviation +/-50 kHz

- v) RF bandwidth.....Hz
- vi) IF bandwidth at -3dB level.....Hz
- vii) RF Filter Loss.....dB

b) Transmit antenna details:

- i) Type of antenna.....
- ii) Antenna height above ground level.....
- iii) Relative antenna height around a 15 kilometre radius.....
- iv) Radiation pattern :
 - a) Omnidirectional : (YES or NO)
 - b) If not omnidirectional provide the following details:
 - (1) Azimuth of the main lobe.....
 - (2) Angular beam width of the main lobe at the 3 dB point
 - (3) Radiation suppression at every 10° (use a separate sheet of paper)
- v) Antenna gain in dBi

c) Feeder:

- i) Feeder type.....
- ii) Attenuation per metre.....dB
- iii) Total feeder loss.....dB

4. Miscellaneous data.

- a) Hours of operation : FromHours To Hours.
- b) Proposed date of commencement of service.....

Date..... Signature of applicant:

Name :

Designation :

Official Stamp.....

Form No 6

Regulation 18

COMMUNICATIONS COMMISSION OF KENYA

**APPLICATION FOR FREQUENCY ASSIGNMENT AND LICENCE IN THE FIXED
AND MOBILE RADIO COMMUNICATION SERVICE.**

1. Administrative details:

- a) Name of the organisation (or individual)

 Nationality..... ID / PP No.
 Postal address.....
 Business Telephone..... Fax.....
 Physical location: Road/street..... Building
LR. No.
- b) Purpose for which this service is required

- c) Name of person / organisation responsible for payment of
 bills.....

2. Transmit Station:

- a) Transmitter site details(for fixed station):
 - i) Name.....
 - ii) LR. No.
 - iii) Road/Area
 - iv) Geographical co-ordinates:
 Latitude : deg..... min..... sec.....(N/S)
 Longitude : deg.....minsec.....(E).
 - v) Altitude above sea level (in metres).....
 - vi) Radius of service area in kms.
- b) Equipment details:
 - i) Station Configuration: Fixed / Mobile (delete as appropriate)
 - ii) Make
 - Model
 - Serial number
 - iii) Name and postal address of the local supplier (if any)

 Postal address.....
 Business Telephone.....
 Fax.....
 - iv) Channel capacity.....
 - v) Carrier output power
 (Watts).....
 - vi) Duplex spacing.....
 - vii) Adjacent channel spacing.....
 - viii) Power to antenna
 - ix) System deviation (or equivalent for digital systems).....
 - x) FM noise and hum level (in case of analogue systems)

- xi) Bit error rate (in case of digital systems)
 - xii) Conducted spurious emissions.
 - xiii) Radiated spurious emissions.
 - xiv) Audio frequency harmonic distortion.
.....
 - xv) Emission designation.
 - xvi) Operating frequency band
 - xvii) RF bandwidth.....
 - xviii) IF bandwidth at -3dB
level.....
 - xix) Receiver sensitivity rated at 12 dB SINAD.....
 - xx) Receiver adjacent channel selectivity
 - xxi) Desensitisation.....
 - xxii) Threshold/ squelch level
 - xxiii) RF Filter Loss.....
- c) Transmit antenna details:
- i) Type of transmit antenna.....
 - ii) Antenna height above ground
level.....
 - iii) Relative antenna height around a 15 kilometre
radius.....
 - iv) Directivity.....
 - v) Azimuth of the main lobe.....
 - vi) Angular beam width of the main lobe at the 3 dB point
 - vii) Antenna gain in dBi
.....
- d) Receiving antenna details (if different from transmitting antenna):
- i) Type of receiving antenna and its
directivity.....
 - ii) Azimuth of the main lobe
 - iii) Angular beam width at the 3 dB power point.....
 - iv) Receiving antenna gain in dBi.....
- e) Feeder:
- i) Feeder type.....
 - ii) Attenuation per metre.....
 - iii) Total feeder loss.....

3. Associated Receiving Station.

- a) Receiver site details:
- i) Name.....
 - ii) LR. No.
 - iii) Road/Area
 - iv) Geographical co-ordinates:

- Latitude : deg..... min..... sec.....(N/S)
- Longitude : deg..... min sec.....(E).
- v) Altitude above sea level (in metres).....
- vi) Antenna height above ground level.....
- vii) Relative antenna height around a 15 kilometre radius.....

4. Miscellaneous data.

- a) Maximum hours of operation.....
- b) Class of station Nature of service.....
(Insert prefix, see NOTE 1& 2)
- c) Proposed date of putting into use.....
- d) Path length in kms (for FIXED service)
.....
- e) Radius of service area in kms (for MOBILE service).
.....
- f) Registration numbers of vehicles to be fitted with
mobiles.....
.....

Date..... Signature of applicant:

.....
.....

Name

.....
.....

Designation:

SECOND SCHEDULE - FEES

COMMUNICATIONS COMMISSION OF KENYA

LICENCE FEES PAYABLE BY VARIOUS TYPES OF TELECOMMUNICATIONS NETWORK OPERATORS AND SERVICE PROVIDERS IN KENYA

(A) FACILITY-BASED NETWORK OPERATORS

CATEGORY OF LICENCE	APPLICATION FEE	ANNUAL OPERATING LICENCE FEE
Operation of local systems and the provision of local services.	10,000/-	0.5% of audited annual gross turnover
Operation of Long distance systems and provision of long distance services	10,000/-	0.5% of audited annual gross turnover
Operation of international systems and provision of international services	10,000/-	0.5% of audited annual gross turnover
Operation of cellular mobile systems and provision of mobile cellular services	10,000/-	0.5% of audited annual gross turnover
Operation of paging systems and provision of paging services	10,000/-	100,000/-
Internet service provider (ISP)	10,000/-	100,000/-
Existing private network operators (e.g. KPL's, KP&LC's, KR's etc).	10,000/-	100,000/-

(B)VENDORS, CONTRACTORS, INSTALLERS AND MAINTAINERS OF TELECOMMUNICATIONS WIRING AND TERMINAL EQUIPMENT

CATEGORY	APPLICATION FEE	REGISTRATION FEE	ANNUAL FEE
Telecommunications Vendor (V)	1,000	5,000	2,000
Telecommunications Terminal Equipment Installation Contractor (I)	1,000	5,000	2,000
Telecommunications Terminal Equipment Maintenance Contractor (M)	1,000	5,000	2,000
Internal Telecommunications Wiring Contractor (W)	1,000	5,000	2,000
External Telecommunications Wiring Contractor (E)	1,000	5,000	2,000

(C) TECHNICAL PERSONNEL

CATEGORY	APPLICATION FEE	REGISTRATION FEE	ANNUAL FEE
Telecommunications Terminal Equipment Installer (Installation Engineer/Technician) (I)	500	Class A 2,000 Class B 2,000 Class C 2,000	Not Applicable
Telecommunications Terminal Equipment Maintainer (Maintenance Engineer/Technician) (M)	500	Class A 2,000 Class B 2,000 Class C 2,000	Not Applicable
Internal Telecommunications Wiring Engineer/Technician (W)	500	Class D 2,000	Not Applicable
External Telecommunications Wiring Engineer/Technician (E)	500	Class A 2,000	Not Applicable

(D) MOBILE SATELLITE SERVICES

	APPLICATION	INSPECTION FEE	ANNUAL FEE
Inmarsat A	1,000	N/A	N/A
Inmarsat B	1,000	N/A	N/A
Inmarsat C	1,000	N/A	N/A
Inmarsat M	1,000	N/A	N/A
Inmarsat mini-M	1,000	N/A	N/A
Inmarsat AERO	1,000	N/A	N/A
Inmarsat HSD option (standard)	1,000	N/A	N/A
Inmarsat HSD option (64Kb/s)	1,000	N/A	N/A
VSAT interactive (Single user)	1,000	25,000	100,000
VSAT interactive (Multi-user)	1,000	25,000	100,000
VSAT Receive only	1,000	25,000	50,000
Radio Determination & Related services	1,000	1,000	5,000
Space Research & Related Services	1,000	25,000	500,000
Amateur Satellite Services	1,000	25,000	50,000

COMMUNICATIONS COMMISSION OF KENYA

FREQUENCY SPECTRUM FEES

	SERVICE.	DESCRIPTION	ANNUAL FEES PER STATION PER FREQUENCY IN Kshs.	
			MF/HF	VHF/UHF
1.	AERONAUTICAL STATION LICENCE	A licence to establish a radio station for carrying radiocommunication with aircraft station.	Kshs. 4,800	Kshs. 4,800
2.	AIRCRAFT STATION LICENCE.	A licence to establish a mobile station aboard an aircraft, to operate in the aeronautical mobile service.	Kshs. 4,800	Kshs. 4,800

	SERVICE.	DESCRIPTION	ANNUAL FEES PER STATION PER FREQUENCY IN Kshs.	
			MF/HF	VHF/UHF
3.	LICENCE FOR FIXED STATION OPERATING IN MOBILE SERVICE.	A licence to establish a radiocommunication station at a fixed location for carrying on a Mobile Radiocommunication Service.	Kshs.18,700.	Kshs. 5,000
4.	MOBILE STATION LICENCE.	A licence to install and use radio apparatus for transmitting and receiving aboard a vehicle, aircraft, or a ship.	Kshs. 5,610	Kshs. 2,900
5.	PORTABLE STATION LICENCE.	A licence to a portable radio communication apparatus to operate in the mobile service.	Kshs. 5,610	Kshs. 2,900
6.	COAST STATION LICENCE.	A licence to establish a station and land for carrying on a service with ship stations.	Kshs. 5,610	Kshs. 2,900
7.	SHIP STATION LICENCE.	A licence to install and use radio apparatus aboard ships.	Kshs. 5,610	Kshs. 2,900
8.	RADIO AMATEUR LICENCE.	A licence to install and operate an amateur radio station.	Kshs. 2,000	Kshs. 2,000

	SERVICE.	DESCRIPTION	ANNUAL FEES PER STATION PER FREQUENCY IN Kshs.	
			MF/HF	VHF/UHF
9.	CITIZEN BAND RADIO LICENCE.	A licence to operate a low power radio apparatus operating in the frequency bands 26925 kHz to 27403 kHz.	Kshs. 1,000	Not applicable.
10.	PRIVATE PAGING SERVICE.	A licence to operate a radio paging service for private use.	N/A	Kshs. 25,000
11.	PUBLIC PAGING SERVICE.	A licence to operate a radio paging service for public use (base station)	N/A	Kshs. 140,000
12.	RADIO PRESS RECEPTION LICENCE	A licence for a radio station to receive press messages from stations transmitting multi-destination radio press messages.	Kshs. 10,000.	Kshs. 10,000

13. Alarm systems -

The basic charge for each alarm unit is Ksh.1250, but the specific charges for each particular customer will be determined by the applicable charge grouping.

14 **Broadcasting Stations & fixed satellite earth stations**

The fee payable for broadcasting stations and fixed satellite earth stations is commensurate with the power and the occupied bandwidth, and calculated on the basis of these parameters using the following formula:-

Fees per transmitter or carrier in Kenya shillings is :

$$= K_1 \log_{10} \left(\frac{P_{nom} \text{ (watts)}}{25 \text{ watts}} + K_2 \log_{10} \left(\frac{P_{tot} - 1000}{25 \text{ watts}} \right) \right) \times \left(\frac{BW \text{ (kHz)}}{8.5 \text{ kHz}} \right) \times 574.10$$

Where,

- a) $K_1 = 1$ for the first 1 kW of radiated carrier power
- b) $K_2 = 0.2$ for additional power above 1 kW.
- c) **25 watts** is the maximum power allowable for VHF base stations.
- d) **8.5 kHz** is maximum allowable RF bandwidth for VHF base stations.
- e) P_{nom} is the nominal transmitter power.
- f) P_{tot} is the effective isotropically radiated power
- g) **Bandwidth** is the width, of frequency band that is just sufficient to ensure the transmission of information at a rate and with the quality acceptable under specific conditions'

15. Terrestrial Links (Fixed station Licence)

A licence to establish a radiocommunication station at a fixed location for carrying on a Fixed Radiocommunication Service to provide a public service.

This category of license is drawn for radio stations used to interconnect two specified fixed points.

The fee payable for this licence is based on the occupied bandwidth, and is calculated using the following formula:-

The fee, F (KShs.) per transmitter per location is:

$$F \text{ (Kshs)} = \left(\frac{\text{RF Bandwidth(kHz)}}{8.5 \text{ kHz}} \right) \times \left(\text{Number of RF channels} \right) \times K1 \times \text{Unit fee}$$

Where, unit fee = 574.10, as Kshs. 574.10 is the unit spectrum fee for a 8.5kHz band.

$$\begin{aligned} K1 &= 0.6 \text{ for frequency band } < 1700\text{mhz} \\ &= 0.5 \text{ for frequency band } 1700 \text{ to } 10000 \text{ Mhz} \\ &= 0.4 \text{ for frequency band } > 10000 \text{ Mhz.} \end{aligned}$$

Where *RF* means Radio Frequency, and other parameters are as defined above.

Transmitter shall include terminal and repeater stations.

The formula is applicable to point-to-point links, microwave radio relay equipment, studio-to-transmitter links etc.

16 Cellular Networks and Fixed Wireless Access networks

Licence to establish a fixed radio station to operate a mobile cellular radio service and Fixed wireless Access.

$$\text{Fee } F \text{ (Ksh)} = \frac{2 \times \text{RF Bandwidth(kHz)}}{1043.65 \times 8.5 \text{ kHz}} \times (\text{number of cell sites}) \times$$

The parameters are as defined above.

17. Trunked Network (Mobile Trunked Radio Licence)

A licence to operate a private trunked radio network

The fee, *F* per transmitter per location is:

$$F \text{ (Ksh)} = \left(\frac{\text{RF Bandwidth(kHz)}}{8.5 \text{ kHz}} \right) \times (\text{number of cell sites}) \times 574.10$$

The parameters are as defined above.

18. Alarm Systems

The basic charge for each alarm unit is Kshs 1250, where the specific charges for each particular customer will be determined by the applicable charge grouping

19. Single channel radios

The fee, F per transmitter per location is:

$$F \text{ (Ksh)} = \left(\frac{\text{RF Bandwidth(kHz)}}{8.5 \text{ kHz}} \right) \times 1043.65$$

- 20.** The Commission is not bound to use any or all of the above formulas if in its opinion the service involved require technical or other considerations. Spectrum fees for radio equipment not covered in the above schedule shall be determined at the time of application.

COMMUNICATIONS COMMISSION OF KENYA

TYPE APPROVAL/ACCEPTANCE FEES

(A) GENERAL

EQUIPMENT	DESCRIPTION	FEES (Ksh)	
		Type approval of equipment for <i>individual use</i> by the applicant.	Type approval of equipment for purposes of <i>marketing</i> .
Telephony Instrument	a) Ordinary	600	10,000
	b) Executive	900	15,000
	c) Cordless	1,000	15,000
Telephony Terminals	a) 2 line Executive	1,200	20,000
	b) Cordless with Executive telephone.	1,200	20,000
	c) Intelligent	2,000	30,000

	executive telephone		
	d) Private Payphone	2,000	15,000
Facsimile Transceiver	a) Without Integral answering/recording facility	3,000	20,000
	b) With integral answering/recording facility	3,500	24,000
Teleprinter	All types	3,000	15,000
Answering systems	Answering machine	400	8,000
	a) Ordinary Answer Phone	1,100	14,000
	b) Executive Answer phone.	1,400	19,000
Data terminals, PADs & MUXs	All types	8,000	18,000
Data Modems	a) Data only	1,000	15,000
	b) Data/fax/voice	2,000	20,000
Radio Communications	a) HF/VHF/UHF for use in private radio networks.	3,000	25,000
	a? HF/VHF/UHF for use in public radio networks.	3,000	30,000
	b? Radio alarm transmitter.	2,300	23,000
	c? Citizen band	1,600	23,000
	d? Amateur	3,000	27,000
Paging systems	e? Wide area Paging transmitter.	4,000	30,000
	f? Pager receiver unit for use in wide area paging networks.	1,600	15,000
	g? On site paging transmitter.	3,000	20,000
	h? Pager receiver unit for use in on-site paging systems	1,500	15,000
Broadcast transmitters	i? Radio broadcast	40,000	40,000

	Transmitters		
	j? Television Broadcast Transmitters	40,000	40,000
Integrated Answer/Recording facility.	All types(NB. Mark up loaded to secretarial sets with this facility).	500	4,000
Subscriber's Private Meter	All types	600	8,000
Call barring units	All types	600	8,000
Bureau meters / Public Call office monitors	All types	1,000	12,000
Cellular Telephones	GSM, GMPCS, ETACS.	10,000	40,000
Fixed Wireless Local Loop Terminals	All types	3,000	30,000
Inmarsat Mobile Earth Terminals	All types	10,000	40,000

(B) CALL ROUTING EQUIPMENT:- PMBXs, PABXs, VOICE MESSAGING SYSTEMS, AND SBSs.

CAPACITY (PORTS)	INDIVIDUAL	MARKETING
PRIVATE MANUAL BRANCH EXCHANGES:		
ALL TYPES	4,800	9,700
PRIVATE AUTOMATIC BRANCH EXCHANGES:		
ONE LINE SYSTEMS, MAX 1+4	2,500	5,000
> 1 EXCH. LINE ≤ 10 PORTS	6,200	12,500
> 10 PORTS ≤ 20 PORTS	10,000	20,000
> 20 PORTS ≤ 40 PORTS	17,500	35,000
> 40 PORTS ≤ 120 PORTS	30,000	60,000
> 120 PORTS ≤ 200 PORTS	37,500	75,000
> 200 PORTS ≤ 300 PORTS	42,500	85,000
> 300 PORTS ≤ 500 PORTS	45,000	90,000
> 500 PORTS	50,000	100,000
VOICE MESSAGING SYSTEMS		
AS ABOVE		

Notes:

- (a) A telephone shall be deemed to be executive if it has both loop disconnect and dual tone multi frequency dialing modes and any two of the following features:
- (i) memories for storing telephone numbers;
 - (ii) liquid crystal display; and
 - (iii) full hands free facility.
- (b) Answering facility means an in built answering and recording facility for voice and fax messages.

(C) OTHER SERVICES

(i) General Information Services

List of Type Approved equipment type	Ksh. 50 per equipment type
--------------------------------------	----------------------------

(ii) Technical Information

Technical specifications type	Ksh. 200 per equipment type
-------------------------------	-----------------------------

(iii) Miscellaneous services

Exhibition/Demonstration of equipment/System:

- ◆ Registered vendor: Ksh. 1,000 first day
Ksh. 500 each consecutive day
 - ◆ Non-registered vendor: Ksh. 2,000 first day
Ksh. 1,000 each consecutive day
- | | |
|------------------------------------|----------|
| Copy of Type Approval certificate/ | Ksh. 250 |
|------------------------------------|----------|

Change of name on certificate

Letter of no objection to
import equipment.

Ksh. 250

POSTAL LICENCE AND OPERATING FEES

Regulation 81

Category	Annual Licence Fess
(i) Public Postal Licensee	1% of Gross Annual Turnover
(ii) Dominant International Operators	US D 25,000 or equivalent
(iii) International Inbound Only	US D. 2000 or equivalent
(iv) Other International Operators	US D. 7000 or equivalent
(v) Dominant Regional/Intercountry Operators	US D 8000 or equivalent
(vi) Other Regional/Intracountry Operators	US D 2500 or equivalent
(vii) Intracity Operators	US D 1200 or equivalent
(viii) One off Licence Application Fees	KSHS 10,000/

Made the....., 2001

W. MUSALIA MUDAVADI
Minister for Information,
Transport and Communications.