



LEGAL NOTICE NO.....

**THE KENYA INFORMATION AND COMMUNICATIONS ACT
(Cap. 411A)**

**THE KENYA INFORMATION AND COMMUNICATIONS
(INTERCONNECTION) REGULATIONS, 2026**

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THE KENYA INFORMATION AND COMMUNICATIONS ACT

(Cap. 411A)

IN EXERCISE of the powers conferred by sections 27 and 84W(2)(a) of the Kenya Information and Communications Act, the Cabinet Secretary for Information, Communications and the Digital Economy, in consultation with the Communications Authority of Kenya, makes the following Regulations—

THE KENYA INFORMATION AND COMMUNICATIONS (INTERCONNECTION) REGULATIONS, 2026

PART I—PRELIMINARY

Citation. **1.** These Regulations may be cited as the Kenya Information and Communications (Interconnection) Regulations, 2026.

Interpretation. **2.** In these Regulations, unless the context otherwise requires—

Cap. 411A. “Act” means the Kenya Information and Communications Act;

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

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

“customer” means a user of a telecommunications service provided by a telecommunication service licensee;

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

“interconnect licensee” means a licensed telecommunications service provider who, in accordance with the license issued under the Act, provides interconnection service to another telecommunications licensee;

“interconnecting licensee” means a telecommunication services provider who has interconnected or has requested to interconnect its telecommunications system to the telecommunications system of an interconnect licensee;

“interconnection” means the physical and logical linking of telecommunication networks used by the same or different service licensees in order to allow the users of one licensee to communicate with users of the same or another licensee or to access services provided by another licensee;

“interconnection agreement” means an agreement, entered into between an interconnect licensee and an interconnecting licensee in relation to 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 systems and services which may assist the parties to formulate their interconnection or plans, 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 system and facilities specifications; and
- (b) 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;

“interconnection offer” means a document setting out the terms and conditions under which the interconnect licensee undertakes to permit access to its telecommunications systems in a non-discriminatory manner;

“interoperability” means the ability of telecommunication systems, units, or elements to provide services to and accept services from other systems, units or forces and to use the services exchanged to enable them to operate effectively together;

“licensee” means the holder of a license issued by the Authority; and

Cap. 411A.

“Tribunal” means the means the Communication and Multimedia Appeals Tribunal established under section 102 of the Act.

Object of the Regulations.

3. The objects of these Regulations are to—

- (a) establish a regulatory framework for interconnection;
- (b) define the role of the Authority in facilitating interconnection negotiations among telecommunications licensees; and
- (c) promote a conducive environment for interconnection within Kenya

PART II — INTERCONNECTION AGREEMENTS

Rights and obligations.

4. (1) An interconnect licensee shall accept all reasonable requests for access to its telecommunications system at any of

its network termination points on a fair, transparent and non-discriminatory basis.

(2) An interconnecting licensee shall have the right to select its interconnect licensee to route its data, voice and calls, and short message service traffic towards customers of another licensee, subject to the Act and these Regulations.

(3) Despite sub-regulation (2), an interconnecting licensee shall route its voice, short message service and data traffic towards international destinations through a licensee who has been licensed to provide international gateway services.

(4) Where an interconnecting licensee requests to interconnect, an interconnect licensee shall have the right and obligation to negotiate the interconnection of its telecommunications system, facilities and equipment of the interconnecting licensee for the purpose of ensuring end-to-end connectivity and interoperability of services and the efficient exchange of traffic.

Content of
interconnection
agreement.

5. An interconnection agreement shall be in writing and shall include —

- (a) the scope, technical specification and standards applicable to the interconnection;
- (b) points of interconnection or co-location arrangements, and access to any ancillary or supplementary services or access to and use of premises or land necessary to support interconnection;
- (c) service levels, including end-to-end quality of service, interoperability, traffic management and system maintenance procedures;
- (d) interconnection charges, billing, settlement and related financial arrangements;
- (e) ordering, forecasting, provisioning, testing and capacity-management procedures;
- (f) information on handling process, including

- confidentiality obligations and system modernization or upgrade notifications;
- (g) duration and renewal of the agreement;
- (h) dispute resolution procedures;
- (i) limitation of liability, indemnity and *force majeure*;
- and
- (j) termination procedures;

Prohibitions.

6. (1) An interconnecting licensee shall not consider requests for interconnection in circumstances where—

- (a) an interconnection agreement is prohibited by law;
- (b) the license issued to a licensee does not permit a licensee to offer the services for which the interconnection is requested;
- (c) the requested interconnection is rendered impossible as a result of technical specifications supported by detailed and verifiable evidence; or
- (d) the interconnection may endanger the life or safety or result in injury of any person or harm to the interconnect licensee's property or hinder the quality of the services provided by the interconnect licensee.

(2) An interconnection agreement shall not contain any provision that —

- (a) restricts, limits or interferes with the exercise of any right or obligation conferred under the Act, these Regulations or any license held by either party;
- (b) impose any penalty or disadvantage on a party for exercising a right or performing any obligation under the Act, these regulations or a licence;
- (c) prevents a party from providing any telecommunications service that it is lawfully authorised to provide; or
- (d) has the effect of unduly restricting, impeding or distorting the provision of a telecommunications service by a party lawfully authorised to provide that service.

Negotiations of interconnection agreements.

7. (1) Upon commencement of negotiations for an interconnection agreement, each party shall provide the other with all information reasonably required to facilitate the

negotiation and implementation of the proposed interconnection arrangements.

(2) Subject to paragraph (3), a request for interconnection by an interconnecting licensee shall be accorded reasonable priority over new customer orders of the interconnect licensee.

(3) The requirement in paragraph (2) shall not apply in emergency situations, including —

- (a) preservation of life;
- (b) national security;
- (c) national emergency situations; or
- (d) natural disasters.

(4) The parties shall negotiate in good faith and use their best effort endeavors to resolve any disagreements relating to the form, terms and subject matter of an interconnection agreement.

(5) A party to an interconnection agreement shall not—

- (a) intentionally mislead the other party;
- (b) coerce the other party into accepting terms it would not otherwise have agreed to; or
- (c) intentionally delay or obstruct negotiation process.

(6) The terms and conditions for interconnection of telecommunications systems shall be set out in a written agreement executed by the parties.

(7) An interconnection agreement shall facilitate end-to-end connectivity and shall ensure that all telecommunication services traffic originating on the telecommunications system of an interconnecting licensee may be terminated at any point on the telecommunications system of an interconnect licensee on a fair, reasonable and non-discriminatory basis.

Interconnection
procedures.

8. (1) An interconnecting licensee who intends to enter into an interconnection agreement with an interconnect licensee shall

make a request in writing and shall provide the interconnection licensee with the following information—

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

(2) An interconnecting licensee shall, within seven days of making a request for interconnection to an interconnect licensee, submit a copy of the request to the Authority.

(3) The interconnect licensee shall, within fourteen days of receipt of the request for interconnection, inform the interconnecting licensee in writing of—

- (a) its ability to supply the form of interconnection requested within the timelines requested by the interconnecting licensee; and
- (b) its readiness to commence negotiations on the date requested.

(4) Where parties have not agreed on a date to commence negotiations, the Authority shall upon the request of a party, specify the date on which negotiations shall commence.

(5) Where negotiations have not been concluded within forty-two days from the date of the interconnection request, the Authority may invite the parties to make representations and may issue such directions as it considers appropriate, which shall apply during the negotiation period and after the negotiations are completed.

(6) Any dispute that may arise regarding the timely provision of interconnection or notice of planned changes shall be submitted promptly to the Authority for determination.

Establishment and
location of points
of interconnection.

9. (1) The parties to an interconnecting agreement shall establish and maintain points of interconnection at any

technically feasible interconnection points agreed by the parties.

(2) An interconnecting licensee shall, with sufficient technical detail, notify the interconnect licensee of the points at which they seek to be interconnected.

(3) The interconnect licensee shall, within a reasonable period, inform the interconnecting licensee of the technical feasibility of the proposed points of interconnection and may, where necessary, propose alternative technically feasible points.

(4) Where the parties agree on points of interconnection, they shall establish the agreed points and notify the Authority within thirty days of such agreement. .

Trade or operating secrets.

10.(1) A party to an interconnection agreement may, before the filing of the interconnection agreement with the Authority, identify and mark provisions containing trade or operating secrets.

(2) Where an interconnection agreement contains trade or operating secrets, a party shall, within fourteen days of execution of the agreement, submit to the Authority a modified version of the agreement that excludes the trade or operating secrets for the purposes of review.

(3) Where the Authority considers the identified provisions referred to under sub- regulation (2) unjustified, the Authority shall consult with the interconnecting licensee before making a determination to allow third parties to inspect the agreements in whole or in part and may subsequently restrict inspection to the modified version of the interconnection.

Filing of interconnection agreements.

11.(1) The parties to an interconnection agreement shall file with the Authority a copy of the executed interconnection agreement, or any modification of the agreement, at least fourteen days before its implementation.

(2) The Authority may request for information from either party to an interconnection agreement that it considers necessary to evaluate the terms and conditions and the charges set in the agreement.

(3) The filing of an interconnection agreement under this regulation shall not prejudice the Authority's powers under the Act or these Regulations to issue directions or make determinations relating to interconnection.

(4) A party who is aggrieved by the decision of the Authority may, within fifteen days from the date of the decision, appeal to the Tribunal.

Modification,
suspension or
termination of an
interconnection
agreement.

12.(1) The parties to an interconnection agreement shall ensure that any modification, suspension or termination of the interconnection agreement does not adversely affect customers.

(2) A party to an interconnection agreement may suspend interconnection—

- (a) where that suspension is intended to address a material degradation of telecommunications systems or services; or
- (b) where the party has notified the Authority of the intended suspension and the Authority has given its consent in writing.

(3) An interconnect licensee shall terminate an interconnection agreement based on the following—

- (a) the termination is as a result of a fundamental breach of the interconnection agreement and the interconnecting licensee after having been given an opportunity to remedy the breach, has failed to do so;
- (b) the interconnect licensee gives reasonable written notice of its intention to terminate and—
 - (i) specifies the grounds for termination;
 - (ii) gives, in the case of breach, a notice of one month, for the interconnecting licensee to remedy the breach;
- (c) the Authority has been notified of the intended termination and it has given consent, in writing; or

- (d) if no objection or consent is received from the Authority within sixty days following the notice referred to under paragraph (c) the interconnect licensee shall proceed with the termination.

(4) Where parties to an interconnect agreement amend or modify an interconnection agreement, the parties shall file a copy of the proposed amendment at least fourteen days before the effective date.

Interventions in negotiations

13. The Authority may upon the request of a party to the negotiations—

- (a) intervene in negotiations for an interconnection where no agreement is reached between the negotiating parties within forty-two days after commencement of the negotiations; or
- (b) set time limits within which negotiations on interconnection are to be completed.

Compliance with mandatory obligations.

14.(1) Every licensee shall, when negotiating or implementing an interconnection agreement—

- (a) comply with the technical, costing and other relevant criteria issued by the Authority;
- (b) ensure that interconnection proposals and arrangements promote interoperability, network integrity and end-to-end connectivity;
- (c) apply non-discriminatory, transparent and proportionate terms; and
- (d) take reasonable steps to facilitate efficient use of network resources and promote competition.

(2) The Authority shall apply the general principles set out in the Act and the General Licensing Regulations when issuing any criteria under paragraph (1) and when assessing compliance with those criteria.

Complaint on contravention of

15.(1) Where a party or any other person alleges that there has been a contravention or failure to comply with the

interconnection
agreements.

provisions of the Act, these Regulations or an interconnection agreement, that party or person shall report the matter, in writing, to the Authority.

(2) The Authority shall resolve the complaint in accordance with section 84T of the Act within thirty days upon receipt of a complaint.

PART III—PRINCIPLES OF INTERCONNECTION

Seamless
transmission.

16.(1)Interconnection between telecommunications systems shall ensure seamless transmission of telecommunication services to end-users of both the interconnect licensee and the interconnecting licensee.

(2) Procedures for forecasting, ordering and provisioning interconnection capacity shall be efficient and shall occur within reasonable time frames.

(3) Facilities or systems used for interconnection shall have sufficient capacity to enable the efficient transfer of information between interconnected telecommunication systems.

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

Non-
discrimination and
transparency.

17.Where similar conditions and circumstances exist, an interconnect licensee shall provide interconnection on a non-discriminatory basis and shall ensure that—

- (a) interconnection rates do not vary on the basis of the class of customers to be served;
- (b) interconnection facilities, systems and information are provided under the same terms and in the same quality as those offered to its subsidiaries, affiliates or any similarly situated licensees; and
- (c) all necessary information and specifications related

to interconnection is made available to interconnecting licensees in a timely and transparent manner.

Interconnection charges.

18.(1) All charges for interconnection services shall—

- (a) be objective, independently verifiable and fair;
- (b) be charged for each type of telecommunications service related to interconnection;
- (c) not be designed to facilitate cross-subsidies by an interconnect provider of its network;
- (d) not exceed the retail charges levied by the interconnect licensee for any retail service that makes equivalent use of relevant network elements; and
- (e) be set at levels that allow for recovery of the incremental retail costs associated with provision of the retail service supported by the interconnection service.

(2) The interconnection charges shall be structured 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.

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

(4) The Authority may publish administrative guidelines on interconnection charging methodology.

Quality of service.

19.(1) Parties to an interconnection agreement shall comply with applicable service standards of the International Telecommunications Union and other technical standards issued by the Authority.

(2) A licensee shall ensure that interconnection does not impair the prescribed quality of service of the public telecommunications network.

Calling line
identity.

20.(1) The parties to an interconnecting agreement shall exchange calling line identity and all necessary signaling data in accordance with standards prescribed by the Authority.

(2) Where a party to an interconnection agreement suspects the other party of transmitting misleading or inaccurate caller identification information with the intent to defraud, cause harm or to wrongfully obtain anything of value, that party may invite the Authority to investigate the matter.

(3) The Authority shall undertake a preliminary assessment of the matter referred under sub regulation (2) within seven days of receiving the request, and where reasonable grounds exists, the Authority shall conduct an investigation and make a determination within forty-five days.

(4)Where the Authority fails to make a determination pursuant to sub-regulation (3), a party may put in place reasonable interim measures and notify the Authority within 24 hours of implementing such measures.

PART IV—INTERCONNECTION FOR DOMINANT SERVICE PROVIDERS

Obligations of a
dominant service
provider.

21.(1)Where the Authority has declared a licensee to be a dominant service provider, the Authority may impose any or all of the following obligations—

- (a) to meet all reasonable requests for access to its public communications network, including access at any technically feasible point on its communications network;
- (b) to provide interconnection on a fair, transparent and non-discriminatory basis, including —
 - (i) applying similar conditions in similar circumstances to interconnecting licensees providing similar services; and
 - (ii) provide interconnection facilities and information on the same terms and of the same quality as provided to its own services, subsidiaries or affiliates;
- (c) to make available to interconnecting licensees all technical information and specifications reasonably necessary to facilitate negotiations, including planned network changes within the next six months, unless otherwise directed by the Authority;
- (d) to publish and file with the Authority an interconnection offer that is sufficiently unbundled and includes a detailed description of interconnection components, applicable terms, conditions and tariffs;
- (e) to provide access to the technical standards and specifications of its telecommunications network with which another interconnecting licensee shall be interconnected; and
- (f) to comply with any obligations imposed by the Authority to promote competition, protect user interests or ensure efficient market functioning.

Publication of an interconnection offer.

22.(1)Where the Authority issues an order requiring a dominant service provider to publish an interconnection offer, the licensee shall, unless otherwise determined by the Authority

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- (a) submit a proposed interconnection offer, to the Authority for review and approval within three months after the issuance of the order; and
 - (b) implement the approved offer within three months of the Authority's approval or within such other period

as the Authority may determine.

Interconnection
offer or its
modification.

23.(1)Before approving any interconnection offer or any modifications to it, the Authority may—

- (a) request for additional information or clarification from the dominant service provider concerning the proposed interconnection offer; or
- (b) consult with the industry and public on the proposed interconnection offer.

(2) The Authority may publish a criterion or models for the uniform sector-wide application of interconnection offers, which shall be used by all dominant service providers.

Abuse
dominance. of

24.(1)Where a dominant service provider engages in conduct amounting to an abuse of dominance in interconnection negotiations or arrangements, the Authority may —

- (a) require the dominant service provider to cease, change its conduct or adopt a specified conduct; or
- (b) declare the whole or any part of an interconnection agreement invalid.

(2)The Authority shall, before taking the action in paragraph (1), notify the dominant service provider of the conduct concerned and provide an opportunity to respond.

Cost-based
charges for
interconnection.

25.(1)A dominant service provider shall adopt the cost-based charges for interconnection consistent with the principles of objectivity, transparency and cost orientation.

(2) The Authority may require a dominant service provider to provide evidence that its interconnection charges are based on actual costs, and may require the adjustment of charges or impose default interconnection charges where necessary

(3) Interconnection offers shall be sufficiently unbundled to ensure that the interconnecting licensee is not required to pay for network elements, facilities or systems not directly related to the requested service.

- (4) A dominant service provider shall—
- (a) notify the Authority in writing of any proposal to change interconnection charges;
 - (b) sufficiently unbundle charges for interconnection to ensure that charges correspond to the relevant network elements or services;
 - (c) maintain a cost accounting system that—
 - (i) complies with the Cost Accounting Guidelines that may be published by the Authority; and
 - (ii) demonstrates that its charges for interconnection have been fairly and accurately calculated;
 - (d) submit to the Authority, on request, a description of its cost accounting system, including cost categories and allocation methodologies.

PART V—GENERAL PROVISIONS

Confidentiality.

26.(1)A party who receives information relating to interconnection which is designated as confidential shall keep the information confidential.

(2) Confidential information may be disclosed only where authorized by law, by parties or to the Authority.

(3) Any confidential information relating to interconnection, including business information generated as a result of interconnection, shall be used solely for the purpose of providing interconnection.

(4) Nothing in this regulation prevents the Authority from disclosing information where required in the public interest or pursuant to legal process.

Notice of planned changes.

27.(1)A licensee shall notify the Authority and interconnecting licensee at least seven days' written notice of any planned change in its telecommunications system, including changes in capacity, technology, structure or configuration.

(2) An interconnect licensee shall provide seven days' notice to interconnecting licensees of planned changes to its telecommunications system that may materially impact the telecommunications services of the Interconnecting licensee.

General sanction.

28.Subject to sections 27 (4), 83A, and 84T (6) of the Act, a licensee who contravenes these Regulations shall be notified in writing of the contravention and the Authority shall determine in accordance with the Act, the appropriate regulatory sanction to impose.

Revocation.

L.N. 30 of 2010.

29.The Kenya Information and Communications (Interconnection and Provision of Fixed Links, Access and Facilities) Regulations, 2010 are revoked.

Transition

30.Any proceedings, instruments and any right of review period, or appeal subsisting under the revoked regulations shall continue as if under these Regulations.

Made on the, 2026.

William Kabogo Gitau,
Cabinet Secretary for Information, Communications and the Digital
Economy.