



2015 ICT WEEK REPORT

Date: 11th May, 2015

Venue: Sarova Panafric Hotel

THE OPENING CEREMONY

The function officially started at 9.30 a.m. with welcome remarks from the Master of Ceremonies, Mrs. Patricia Muchiri, the Assistant Director Consumer Affairs, Communications Authority of Kenya. She welcomed all the dignitaries present among them, the Cabinet Secretary Ministry of Information, Communications and Technology (MOICT) Dr. Fred Matiang'i, the Principal Secretary (MOICT) Mr. Joseph Tiampati, the Chairman, Communications Authority of Kenya, Mr. Ngene Gituku, Eng. Leo Boruett who was representing the Director General, Mr. Francis Wangusi and other participants.

She stated that the Authority was excited to facilitate the second edition of the ICT Week, which was being hosted to facilitate interaction with Licensees on pertinent regulatory issues. She also informed guests and participants that the ICT week would also serve to commemorate the ITU World Telecommunication Society Day to be held on May 17th, 2015.

Welcome Speech by Acting Director General, CA, Eng. Leo Boruett

Eng. Leo Boruett, representing the Director General, Mr. Francis Wangusi, welcomed participants to the event. He said that this year's ICT Week was meant to be a score card on how the industry is doing and look at ways in which stakeholders could do better in the ICT industry. The event intends to look into issues relating to all the ICT sub-sectors, throughout the week. He appreciated the participants for taking time to attend the 2nd ICT Week and noted that the forum was designed to bring together a section of the stakeholders.

Speech by CA Chairman, Mr. Ngene Gituku

The CA Chairman, Mr. Ngene Gituku, similarly thanked the delegates for gracing the event. He highlighted a number of issues, among them the fact that Communications Authority of Kenya remains committed to its mission, which can only be achieved by working together with all stakeholders.. He noted that the Authority launched the first ICT Week in June 2014, which he described as a forum for consultations between the Authority and industry stakeholders on various issues affecting the ICT industry. Consequently different subsectors in the ICT industry would have forums on different days to discuss their issues.

The Chairman also noted that ICT Week preceded the commemoration of the 150th anniversary of the signing of the first International Telegraph Convention, that led to the formation of the International Telecommunication Union (ITU).

In his message, the chairman informed the delegates of the ITU's view with regard to innovations in ICT being a catalyst for shaping the post 2015 development agenda and achieving the goals for sustainable development.

The chairman concluded by reinforcing that CA is committed to ensuring fair play in the ICT sector.

Speech by the Principal Secretary, MOICT, Mr. Joseph Tiampati

Mr. Joseph Tiampati thanked CA for hosting the annual event. He noted that the ICT sector is dynamic and required regular consultation and engagement with stakeholders. Thus, he advised that there is no need of going to court on issues that can be settled together.

Key Note Address by the Cabinet Secretary MOICT, Dr. Fred Matiang'i

In his Key note Address, the Cabinet Secretary highlighted that the annual ICT Week event provides an opportunity for the industry and the regulator to engage on issues affecting the ICT sector and chart pathways for moving the sector forward. The event was expected to provide an opportunity for deliberations and consultations on sector policy, regulations and consumer issues between the Government, the regulator and other sector stakeholders.

He thanked the Board and Management of CA for organizing the event and encouraged them to deepen direct, consultative and participatory engagement with all the stakeholders in the sector as a way of enhancing their regulatory work and facilitating growth of the sector.

As the international community turns its development focus on the post 2015 Sustainable Development Goals (SDGS) Agenda, ICT will be critical to all aspects of sustainable development. The fast paced nature of the ICT sector demands that all key stakeholders engage in continuous dialogue on emerging issues. Thus, the CA's ICT week is one such opportunity for engagement and consultation on issues of ICT.

He joined the participants in celebrating the 150 Years anniversary of the ITU and underlined the key role that the ITU has played in capacity building and telecommunication systems' standardization. He further noted that Kenya is committed to continue working very closely with the ITU.

The Cabinet Secretary also stated that efficiency and accountability are to be achieved by the government through investing in the ICT and public private partnerships. He further highlighted several infrastructure projects undertaken by the government. With regard to digital migration, he noted that the country has started to reap the benefits of the migration. He urged all players to take advantage of the digital dividends to rollout new services. CA was further encouraged to strengthen its institution and ensure that all consumers enjoy high quality services at affordable prices.

The Cabinet Secretary informed the delegates of the ongoing National Addressing System (NAS) which will result in easier delivery of services. He said that the forum presents an opportunity for reflection and room for dynamic and innovative approaches to sector

regulations. He thanked the private sector partners for attending the forum then declared the second ICT Week officially opened.

The list of attendees for this day forum is attached.

QUESTIONS TO THE MoICT CS

Martin Nyakundi O'Barimo –Television Viewers and Radio Listeners Association (TEVIRA)

Question: Why should Safaricom make great profits at the expense of the consumer? Such profits are good for the industry but not for the consumer.

Kenya is a free market economy, which is driven by market forces rather than government control. We should look at its performance as a contribution to the economy and to the citizens. Government comes in on policy issues and helps CA to perform its regulatory functions effectively. CA and the Competition Authority of Kenya are working together to address competition issues in the market and we will respect the decision of the two regulators.

Answer: There is a Code of Conduct for Journalists. Why are most media houses controlled by people who are not by professionals?

The Code of Conduct for journalists falls under the Media Council of Kenya. We share those concerns and we have met with Media Owner Association and the Editor's Guild. There is need to strengthen our institutions and work together. CA is looking into broadcast content policies and regulations. I gazetted a taskforce, which will be inaugurated tomorrow to deal with that. Public participation is highly encouraged. I encourage you to give CA ideas and suggestions in order to have a more independent and objective regulator. The Government is working towards having a stronger CA by supporting the ongoing restructuring process and setting up of a research unit.

Session I: Update on Regulatory Initiatives

Moderator: Mercy Wanjau, Assistant Director/Legal Services,.

Eng. Leo Boruett made presentation on behalf of the Director General, CA. The presentation highlighted regulatory compliance, the Universal Service Fund (USF), cyber security issues and Electronic Waste Management. The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

Question & Answer Session:

Martin Nyakundi (TEVIRA)

What is the definition of Free to Air?

There are two types of set top boxes (STBs), namely Free to Air (FTA) and Pay TV. With the FTA, one is not required to pay any monthly subscription to watch. Most of the channels available are the local channels.

What is the role of the Regulator with regard to post – sale service of STBs?

The role of CA is to authorize vendors, type-approve the associated equipment; undertake regular monitoring and enforcement action where appropriate. The Regulator requires that the duly authorized vendors give at least one-year warranty to customers and ensure that after-sales support is provided.

How will the consumer know whether the STB Vendor is duly authorized?

The vendor is required to display a copy of his license in the premises. In addition, the consumer can check and confirm whether the equipment is duly type approved on CA's website.

Elizabeth (Courier Industry Association of Kenya)

Is the USF contribution by operators 0.5% of gross turnover or Kshs. 200,000.00?

According to the Act, the USF contribution is up to 1% of the gross turnover but the Regulator has required only 0.5%. The requirement to remit Kshs. 200,000.00 was an interim measure for those operators who had not submitted the returns/audited accounts.

Will we have a forum to discuss the USF fund?

The governing institution charged with the implementation of the USF, the Universal Service Access Council (USAC) will organize forums to discuss USF contributions and projects.

How will the USF fund benefit courier operators?

The communications eco-system being created by the USF will have spillover benefits for all courier operators even as the access gaps are being addressed.

Richard Mungai (Standard Newspapers)

When will the implementation of USF project start?

The USAC governance structure is already in place. An Access gap study was carried out in 2010. Another Access gap study is being carried out and will be completed within the next 14 months.

James Koki

Is the cyber security report referenced in CA's presentation available to the public? Is there a recent version of the report available?

The report is available and the link will be shared with participants.

Stephen Muriuki (Postal Corporation of Kenya)

The USF Budget is 6 billion shillings. Is it enough in order for the benefits to have an impact in the courier sector?

The 6 billion shilling budget for USF is realizable. The governance structure for the USAC is ready and a study to confirm the access gap has started. The study will present its findings within 14 months, after which the associated projects will commence.

According to the presentation, 6 Million Shillings is budgeted for the postal and courier sector, which may not be enough considering the proposed projects. The COMESA meeting was in agreement that Regulators were to fund such high cost projects such as the National Addressing System (NAS) infrastructure, which is critical in driving the postal and courier sector. Can CA facilitate this? Technology such as GIS is important for the postal sector. Can CA also consider funding the same?

The National Addressing system and the GIS are government projects as earlier communicated by the Cabinet Secretary. CA will play its part.

Rose Kimotho (Three Stones TV)

Referring to the recent developments where Safaricom recently announced plans to diversify into the broadcasting industry with the provision of STBs, how will CA handle the merging of Telco's with broadcasting? What will be the impact on competition?

Let's take the example of M-Pesa. It was considered once that the entrance of M-Pesa would destabilize the banking sector. However, instead, it has contributed to the growth of the banking sector with various products from the bank being offered via M-Pesa. Therefore, the forces of convergence will change the market landscape from the way we know it. Other examples include Telecom Service Providers buying shares into automobiles and fixing state of the art communication gadgets in cars, and also Telcos buying shares in the hospitality industry and being partners in owning hospitals. All these examples show that that it is best to embrace technological convergence.

Is it too late for us to add questions to the media consumption study to be undertaken by CA?

The market study has already begun and therefore it's a little bit late to introduce new questions. However, the questions of study are broad enough to address the participant's concern. It covers all sectors of ICT including, digital migration, consumption patterns, viewership, etc.

Okoth Okoth

What are you doing as CA to handle cybercrime?

Initiatives by the Authority include KE-CIRT that was deployed and launched by the president to coordinate computer incident responses of cyber-attacks. There are also internal mechanisms on collection of evidence and power to prosecute cybercrimes. The PKI initiative secures online exchanges and transactions.

James (Ultinet Engineering)

Participation in the industry: What is CA doing to remove cartels?

The question of equity participation at the moment requires the local shareholding for the telecommunication industry to be 30% local. It is to be noted, that in 1998, the government put in place 80-20% with the local shareholding being 80% but it was unworkable.

Edward (The Academia)

Who is responsible for government adoption of online platforms for service delivery? There has been low uptake by some government departments such as the police on online service delivery systems.

This is useful information. The ICT Authority (ICTA) is the appropriate entity to address this finding. However, CA will be happy to receive and forward to ICTA.

Solomon Danda (Bell Electric -Kisumu)

Do we have a policy on e-waste?

NEMA is the lead agency on matters of e-waste management in the country. Currently, the associated Regulations have been published.

There is duplication of fiber optic installations by various companies. Is there no Regulation on this? There are a lot of transmitter/base stations being installed seemly without control. What is CA's take on this?

CA is in the process of developing Infrastructure Sharing Regulations that will address this concern, going forward.

Nicholas Koingia

What is the role of CA in advising the government with regard to VAT tax on ICT equipment?

It is noted that 3 out of the 4 pillars of the Vision 2030 are pegged to ICT. Therefore, CA will continue to play a crucial role in advising the government on ICT issues, including VAT on ICT equipment.

Clara

We are yet to see what CA has done with USF contribution. Otherwise, CA should return the collected money for USF projects.

The USAC will start rolling out the USF projects once the Access Gap Study is completed.

Recap of the Session by Mercy Wanjau

From the session discussion, the following were the salient points noted:

- There is a growing concern that after-sales service support of ICT equipment is lacking.
- The computation of USF contribution needs to be clarified to contributors. The benefits of USF also need to be understood by stakeholders.
- The impact of convergence in the ICT industry such as Telco's and broadcasting e.g. Safaricom entrance into the Broadcast Sector needs a study.
- Addressing Cartels in equity participation by having clear resoluteness and boundaries.
- Online service delivery platforms by the various government agencies require review by ICTA.
- Policies for e-waste and infrastructure sharing – CA is collaborating with NEMA and there is need to identify and harness value adding.
- What is the advisory role of CA to government agencies moving forward.

Session II: Overview of the Policy, Legal and Regulatory Framework.

Mercy Wanjau, AD, Legal Services, CA, moderated this session.

Mr. Robin Busolo, Assistant Manager, Legal Services, CA presented an overview of the policy, legal and regulatory framework. The presentation is attached as Annex 4 to this report. The presentation covered the following topics:-

- ICT Sector Policy - Ministry of Information, Communications and Technology
- Legal and Regulatory Framework- CA
- CA advisory role on ICT to the government

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Question and Answer Session

Martin Nyakundi (TEVIRA)

Is it true that CA is working in isolation from the Media Council of Kenya and the Kenya Film Classification Board?

CA is in the process of finalizing MOUs with MCK & KFCB.

Can CA filter pornography?

Filtering of pornographic materials is outside the jurisdiction of the CA.

Media laws exists, can CA ensure that the media laws are implemented?

Yes, CA is committed to implementing the Kenya Information and Communication (Amendment) Act of 2013.

Does the Chukua Hatua platform for consumer feedback in CA still exist?

The Chukua Hatua platform is still operational. Furthermore CA is active on the social media platforms.

What security measures are put in place to ensure that our broadcast stations are safe?

It is the obligation of the broadcaster to ensure that the station is secure and that the information that is broadcasted is accurate. CA carries out routine inspections.

What if CA allowed things to flow without any regulation?

There is need for regulation in any industry for the protection of consumers.

Milkah –(Postal Corporation of Kenya)

What role does CA play in e-commerce?

For e-commerce to prosper, it requires a national addressing system, infrastructure, and security. CA is licensing new players to facilitate infrastructure development and chairing the cyber-security forum.

CA has power to prosecute, what is CA doing in enforcement?

CA has already identified a list of potential prosecutors and has already forwarded to the AG for approval.

George Mukonje – (Former Kenya Postal & Telecommunication Corporation (KPTC) employee)

What is CA doing to protect the consumer in view of cyber attacks?

We have National KE-CIRT/CC to coordinate cyber-attack responses. Public Key Infrastructure (PKI) is in place and CA has also licensed Electronic Certification Service Providers (E-CSPs). Although child online protection falls under National Children's Secretariat, CA is planning to launch an awareness campaign in June this year, has developed brochures and is reviewing the associated policy and regulatory framework.

Nickson

How does CA plan to bridge the information gap between CA and the consumers?

CA has done consumer awareness in various towns in the country through County ICT Consumer Forums dubbed Kikao Kikuu in Machakos, Nakuru, Mombasa and Nairobi. Consumers are also encouraged to walk into CA offices countrywide, access our website and consult our registers for information.

George Ouma –(Maseno University)

Does CA have a role in ensuring that ICT services are equally distributed all over the country?

This is done by USAC using the USF fund to bridge the divide and address the access gap.

Macharia –(Gilati)

What is the requirement for type approval of STBs?

The type approval application forms and additional requirements are available on the CA website. CA has also developed minimum specifications for STBs and iDTVs.

While CA encourages licensees to share infrastructure, CA does not share its base stations with others. Why the contradiction?

CA does not own base stations.

Under the USF framework, CA through USAC will roll out infrastructure to address the access gaps. How will this infrastructure roll out be carried out?

USAC will identify strategies of contracting service providers to roll out the network.

Lornah –(Access Kenya)

What is the status of the Data Protection and Data Security Bill?

The bill is in parliament awaiting deliberation.

There has been illegal downloads by consumers through cyber cafes. What is the role of the ISPs in addressing the issue of illegal downloads and infringement of Intellectual Property Rights (IPRs)

CA is collaborating with the Kenya Copyright Board (KECOBO) on IPR issues.

Is CA aware of the agreement between MCSK, and other related agencies to be levying a charge on content rights in the country?

CA is aware of such arrangements.

What is CA doing to bridge the gap between the cost of FTA STB and Pay TV STBs?

CA is not working towards regulating prices in the market. Kenya is a free market economy.

Recap: Call to Action

- i. There is great need for the regulator to actively work towards collaboration with other agencies.
- ii. What action should be taken towards watershed period contraventions on local channels?
- iii. Are we exercising our authority as CA in the ICT industry?
- iv. There is need for greater vigilance in data protection
- v. CA should continue to encourage consumers to complain. Complaints can be used as a feedback for improvement.

The moderator closed with a vote of thanks.

ANNEX I: PARTICIPANTS & DAY'S PROGRAMME



Day 1
Participants.doc



Microsoft Word 97 -
2003 Document

2015 ICT WEEK
DAY 2: BROADCASTING FORUM REPORT

Date: 12th May, 2015

Venue: Sarova Panafric Hotel

Introduction

Mr. Christopher Wambua, Assistant Director - Multimedia Content & Innovation, called the Forum to order at 9.20am with a welcome note on behalf of Eng. Leo K. Boruett, the Director Multimedia Services.

Mr. Wambua gave an overview of the Authority's efforts in developing the broadcasting industry in the country such as adoption of the new broadcasting license structure, the digital migration, consultations on the review of the broadcasting regulations, public consultations on the code and complaints handling procedure, as well as the recent review of the technical standards for broadcasting. He also reminded those in attendance to submit their inputs on the above documents for review and consideration by the Authority.

He thereafter welcomed the Moderator of the day, Mr. Titus Cheptoo to open the session. In his opening remarks, Mr. Cheptoo summarized the day's timetable, and appreciated all participants at the event.

**Session I: Broadcast Licensing in the Digital Terrestrial
Television - DTT Framework and Consumer issues**

Peter Martin Ikumilu made presentation on behalf of the Multi Media Service Department, CA.

The presentation highlighted:-

- i. Digital migration policy
- ii. Digital value chain
- iii. Benefits of Digital Migration
 - a. Conservation of the environment through infrastructure sharing
 - b. Better picture and sound quality
 - c. Business opportunities such as new media houses, content providers, vendors, aerial installers and repairers, etc.
 - d. Increased channels
- iv. Analogue switch off deadlines
- v. Status of digital migration
- vi. Licensing framework
- vii. Licensing of commercial FTA TV

- viii. Digital Migration challenges
- ix. Mitigation of Digital Migration challenges
- x. Set top boxes and iDTVs
- xi. Role of consumers and vendors
- xii. Future outlook
 - a. HDTV
 - b. Mobile TV
 - c. Interactive TV
- xiii. New face of broadcasting
 - a. Alternative leisure and gaming
 - b. DVRs and ad-skipping
 - c. Alternative TV/VOD platforms

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>.

The moderator, Mr. Titus Cheptoo gave the participants a brief recap of the issues brought out by the presentation as follows:

- i. The history of digital migration due to scarcity of resources
- ii. Change brought about by the digital transition
- iii. Benefits of the migration
- iv. Licensing framework – categories of licenses
- v. Challenges on the digital migration
- vi. CA role in facilitating the success of the digital migration – STB availability, interactive TV, consumer protection
- vii. New technologies – HDTV, iDTVS, ETC

Question & Answer Session:

Martin Nyakundi – TEVIRA (Television Viewers and Radio Listeners Association of Kenya)

Comment: The misunderstanding on the digital transition is a failure by CA in regard to awareness. The STBs are unaffordable. Kenyans must have access to all information so they can exercise their right to choice of channels.

On the digital migration, the Authority acknowledges challenges in the handling of the migration process. However, the Authority carried out intensive market activations and consumer awareness. The Pay TV providers offer their STBs at very low prices that attract consumers. The Authority has however instructed Pay TV providers to have the opt-out option for consumers who would like to shift to FTA.

What is the difference between FTA channels and FTA STBs?

There are two types of set top boxes (STBs), namely Free to Air (FTA) and Pay TV STBs. FTA channels are Television channels that are broadcast in such a way that anyone that anyone can receive the FTA channels without paying any monthly subscription. Most of the

FTA channels available are the local channels. An FTA STB is a set-top box that can access FTA channels without the need to pay any broadcaster any monthly fee.

What is the role of CA in regulating the cost of communications equipment such as integrated TVs?

The role of CA is to authorize vendors, type-approve selected ICT equipment, undertake regular monitoring and enforcement action where appropriate. The regulator (CA) requires that the duly authorized vendors give at least one-year warranty to customers and provide after-sales support. However, CA does not regulate the cost of communications equipment in the country, which are driven by the free market forces of demand and supply.

CA should regulate the cost of Pay TV to ensure it is low. The cost of Pay TV in Kenya is higher than in Tanzania.

The pricing of Pay TV services differ depending on the platform being used, i.e. terrestrial, cable and satellite. The prices are however self-regulatory depending on competition, demand and supply. The Kenyan Pay TV market is an open market devoid of government control. There are over 70 models of STBs, which increases choice of the Kenyan consumer. However, where necessary, the Authority mediates such as the opt-out to FTA.

Halton Lugalia - CITAM

Commercial FTA TV broadcasters are having difficulties transmitting the data from the studios to the BSDs' DTT platform, as the fiber optic is expensive, not yet broadcast quality ready and prone to vandalism. Is there any other option?

Fibre optics is not the only way to propagate the content from the studio to the BSD. There are other options such as using satellite, which is slightly more expensive. CA is addressing the issue of fibre optic vandalism. This vandalism is due to the misconception that fibre optic cables may have copper, which isn't the case. BSDs are urged to explore additional options.

On STB Licensing, CA issued 6-month interim licenses, which resulted in unprotected consumers once the vendors were no longer in existence after the STBs malfunctioned. Can CA assist?

The standard procedure in licensing includes the provision of interim licenses (provisional type-approval) during the testing, review and approval of communications equipment, which is the standard practice internationally.

During this interim license (provisional type-approval) period, the vendor is obligated to sell a limited number of equipment and to satisfy warranty obligations. Any contraventions of these conditions should be reported to CA for action.

Benson Wandie

CA needs to look at integrated service in communications. Some providers are provided integrated STBs with Internet but the prices are too high, can CA look into making integrated STBs affordable?

Because Kenya is a free market economy, the forces of demand and supply drive the price of communications equipment in the country.

Boniface

Why did the government not carry out infrastructure development in preparation for the digital switch off in good time? The resultant delays in infrastructure development have inconvenienced the consumers.

The challenges faced by the digital migration process in Kenya were due to litigation, which are part of a free democratic space. The development of infrastructure by the government was therefore held back due to the legal hurdles faced during the process, which was very informative and characterized a free democratic space.

Goldon Opiyo – Health TV

Safaricom’s entry into digital broadcasting may introduce a grey area in digital broadcasting. In Rwanda, there is an IPTV platform where you can broadcast content without having to go through the BSDs but instead through the telecommunications provider through streaming. The entry of Safaricom into the broadcasting industry might therefore lead to a shift from BSDs to iTVs. How is CA planning to handle this?

On the convergence of ICT services such as Telco’s into broadcasting, it is an international phenomenon, which should be embraced. The debate should be on variety and quality. Convergence is the future of ICT. The onus is on the regulator to guarantee variety and quality through enabling legislation and licensing.

Peter Muchiri – BSI

On signal quality, the digital signal in some areas has pockets that do not receive the signal regardless of the presence of a transmitter. What is CA doing to enable access in these areas?

There are inherent advantages of the analogue signal to the digital signal. However, the digital signal provides more choice to consumers. To enhance the customer experience on the digital signal, the Authority carries out constant monitoring of the signal quality and strength and works with the BSDs in identifying areas that require transmitters and gap fillers. This is the reason the Authority had planned to carry out the switch off earlier than the international deadline to allow for mitigation of resultant challenges such as signal coverage and quality in the country. Consumers are encouraged to forward complaints on signal quality and strength to the Authority for action.

Some BSDs are over compressing the signal at the expense of the signal quality, is CA doing something to regulate this?

The issue of over compression of the signal has been handled in conjunction with the BSDs. This is also propagated by the CSP during the license specifications. The CSP is therefore advised to examine the license specifications including the signal compression so as to be at the forefront of consumer protection. The minimum specifications on signal compression should be negotiated between the CSP and the BSD before contract signing.

Martin Nyakundi

CA to consider requiring those seeking licenses to provide vendor services to deposit security as a deterrent where they run out of business and leave consumers unprotected by warranties when the equipment malfunction.

A requirement to deposit such security may hinder market entry into the STB vendor business. However, their data is captured by CA and is available on request. However, this obligation is enforced to such licenses as BSDs.

Customer care services by Pay TV providers employ automated customer service where answering machines are the customer care interfaces. These are a deterrent and do not solve the customer issues presented. Can CA require the Pay TV companies to employ actual people to assist customers?

This has been noted and will be addressed with the Pay TV licensees.

In some areas, the analogue signal is better than the digital signal with such issues as hanging for several minutes. How does CA regulate this?

CA carries out continuous monitoring of the signal strength and quality and works closely with the BSDs to ensure consumers access quality services. However, CA encourages consumers to forward such complaints to the Authority for quick action.

Alex Gakuru – ICTAK

The issue of cross-media ownership is becoming very severe in Kenya. Do we lack investors interested in Kenya or do some investors have competitive advantage? Does liberalism of our markets pose a danger to our public interest? This is an issue that CA needs to review and take action on.

Additional Comments: Reverend Bett:

The government's contribution during the digital migration process included provision of avenues for interaction with stakeholders such as through the taskforce debates. This taskforce identified that government investing in the digital migration infrastructure would be too expensive and should instead be adopted by private investors. The government also helped through waiving of some taxes.

Session II: Content Regulation

This session included presentations by the Communications Authority of Kenya (CA) and the Kenya Film Classification Board (KFCB).

Mr. Christopher Wambua, AD MC&I CA examined the following issues in his PowerPoint presentation:

- i. Why regulate broadcast content?
- ii. CA obligations in broadcasting
- iii. Regulation instruments in broadcasting'

- iv. Programme code
 - a. Protection of democratic principles
 - b. Protection of minors
 - c. Protection of the individual
 - d. Protection against harm
 - e. Public interest
- v. Development of the programme code; current status
- vi. The Complaints Handling Procedure; procedure for broadcast related complaints
- vii. Customer focus and complaints handling in broadcasting
- viii. Broadcasting obligations

Ms. Farida from the Kenya Film and Classification Board made a PowerPoint presentation that examined the following issues:

- i. Mandate and functions of the classification board
- ii. The influence of content on film and film audiences
- iii. Thematic areas used in film and media content regulation
- iv. Classification and regulation
- v. Media and the watershed period
- vi. Models of the watershed period such as gradual model, fixed time model, etc.
- vii. Watershed period guidelines in other countries
- viii. Application of watershed period principles by Kenyan media stations
- ix. Comparison of programmes watched during the 80s and now.
- x. Challenges faced by KFCB in content regulation.
- xi. Conclusion; the way forward

The presentations have been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>.

Question & Answer Session:

Martin Nyakundi Obarimo (TEVIRA)

During News, we have trailers announcing upcoming movies that might be adult in nature. Noting that this is the time that the family is watching TV. Is this proper?

CA has developed the Programming Code that stipulates watershed period guidelines. Enforcement of these standards will be carried out through license obligations under the new licensing regime.

What steps are being taken by Media houses to ensure fairness and accuracy of broadcasted information?

On political impartiality, the law is very clear. However, current broadcasters are operating under the old licensing regime of permits. The new licensing regime holds broadcasters responsible through clear license obligations, which carry penalties for contraventions.

Is it proper to have children acting in adult movies? How do you rate such movies? Are they still rated adult only?

Where children act in a PG rated film, KFCB looks at the content not the actors.

It seems that most movies in Kenya are not rated. What are you doing about this?

Under the ACT, media houses are obligated to submit the films to be broadcast for rating. However, this has not been implemented by the broadcasters.

Some TV stations are airing explicit violent content such as certain episodes of Jicho Pevu on the Westgate and Garissa University attack. How will CA deal with this?

There are standards referenced in the Programming Code developed by CA. CA is already carrying out monitoring and is already sensitizing broadcasters on the license conditions and general broadcasting standards as we continue issuing licenses under the new licensing structure.

Sign Language is yet to be put in place by all media houses.

CA has developed accessibility to broadcasting services mechanism by persons with disabilities especially the hearing and visually impaired. This has been in consultation with PWD oversight groups and broadcasters. As a result, CA has reminded broadcasters of their obligations such as provision of sign language inserts, which the oversight groups gave insight on size, lighting and the use of the accepted Kenyan sign language. CA also encourages broadcasters to air content targeted at PWDs as well as content that humanizes PWDs.

Comment on Religious opinion: There is need for media houses to clearly state that the views expressed in the aired religious programme do not necessarily reflect the views or position of the station in order to distance themselves from misleading religious programming.

CA has noted this comment for progression while implementing the programming Code

Alex Gakuru (Consumer Organization)

In regard to the programme aired on KBC showing Chinese persons speaking in Kiswahili, did KFCB confirm that the translation was correct? Does KFCB rate vernacular movies?

Once a film has been translated from one language to another, the translated copy must be submitted to KFCB for review and re-classification. On rating of vernacular content, KFCB rates based on the pilot shared with the Board.

Does the mandate of KFCB include downloaded movies, DVD movies and Soap operas?

While KFCB has the mandate, the board faces a human capacity challenge so as to keep up with the film and broadcast content.

Are TV and Radio stations allowed to air on ongoing police and security enforcement exercise?

With respect to content during criminal activities, the programming Code has provisions for such content. The Authority will be monitoring compliance with the provisions of the code. Consumers are also encouraged to launch complaints with the Authority for investigation on any content deemed inappropriate.

Eric - Elimu TV

How does CA rate a DJ programme that includes a mix of local and international music aired by a broadcaster?

On local content, the parameters for what constitutes as local content are expounded in the Broadcasting Regulations. Therefore, any content that satisfies the parameters given is considered local content.

How will CA ensure that there is impartiality in political news aired?

CA has developed the Programming Code and the Complaints handling Procedure as regulatory instrument. Enforcement of this instrument will be carried out through license obligations under the new licensing regime.

Bishop Bett

There is need to stop video shops rampant in towns, villages and rural areas showing pornographic materials. Is there such legislation?

On the issue of pornography, KFCB has an enforcement department that works together with the police.

Does KFCB know that witchcraft is being propagated through cartoons?

Witchcraft is classified under occult. Not all cartoons automatically fall under GE classification.

Paul Were - Globe Cast

How well is KFCB equipped to rate the many films in the country?

KFCB has a board of examiners who are led by classification guidelines and includes professionals from different sectors.

How long does it take to rate a film?

KFCB takes 1 day to classify and rate films and content.

George Okonji -Civil Society

How does CA classify the Citizen programme by Waweru Mburu?

The content aired by Citizen's Waweru can only be classified as offensive after interrogation of the content based on complaints received or the broadcasting standards but not in its generality.

Nickson -Youth TV

How sure are we that KFCB will not be biased in rating a film? Can the rating be looked at in a different way?

KFCB has a board of examiners who are led by classification guidelines and includes professionals from different sectors.

Radio Kaya

The short code SMS has been used to con Kenyans several times. How can CA assist to checking this vice?

The BCLB Betting Control and Licensing Board is the body responsible for regulating lotteries and competitions. CA comes in by issuing short codes and tracking errant short code practices.

Gordon Opiyo -Health TV

We have seen traditional medicines being advertised, misinforming the public that they can treat diseases that are known as incurable. What is CA doing about this?

On advertising, broadcasters are obligated to ensure that advertisements aired are truthful, honest and decent.

Jane Muthinga -Elimu TV

Does KFCB rate every programme that comes on TV? What is the cost implication?

The ACT mandates rating and classification of all content aired on TV. This has however not been implemented. KFCB currently charges KES 100 per minute for classification and rating.

Impartiality in programme airing- some media houses refused to air some adverts such as on the digital migration. What should be done to address this?

The Authority has started issuing the licenses, which will be followed by monitoring adherence to these licenses. CA has also already sensitizing broadcasters on the license conditions such as local content compliance and the general broadcasting standards ahead of the licensing under the new licensing structure.

Does the Broadcast procedure limit the type professionals that can work in a media house? Can for example teachers and doctors work in the media house especially under the digital platform that allows for niche station such as health, education?

On the question of personnel, the Media Council of Kenya have the mandate to ensure professionalism in the media and would be better placed to answer this question.

Steve Wareba

How does CA plan to enforce the Programme Code? Is there an enforcement mechanism in place at CA?

CA has procured broadcasting loggers and are now monitoring broadcast content. The Authority is also currently expanding the monitoring capacity. The monitoring reports are shared with broadcasters, which has resulted in improvements in broadcast content shared. CA wishes to encourage consumers to lodge complaints on content deemed inappropriate.

Is there a faster way of carrying out film rating?

The board is developing software that will enable faster and more effective rating of content.

Pamela -Sifa FM

Is there a mechanism for films to be rated without taking them to KFCB?

KFCB faces challenges in rating new programmes especially those only available online.

What enforcement mechanism exists for unrated films?

The board offers advice and guidance on film content, not censorship. KFCB advises the content owner on how to make the content appropriate for Kenyan viewing.

Session III: Content Regulation

This session had two presentations by the local content producers and a representative from a consumer organization.

Mr. Mwaniki Mageria, a local content producer with Riverwood Ensemble made a presentation on the local content production industry in Kenya. The presentation informed participants that the local content production industry have a target of producing 30 movies a month to help ensure that the target of 60% local content in the broadcast platform is achieved.

Mr. Alex Gikuru, chairman of the ICT Association of Kenya, gave a presentation on broadcast content regulation from a consumer perspective. He highlighted the fundamental legislations and global practices on content regulation. He challenged media houses to put in place editorial policies, Programming Code and Complaints Handling Procedures and share the same with the to ensure accountability.

The presentations have been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>.

Question & Answer Session:

Jane -Elimu TV

Is Riverwood willing to get into partnership with broadcasters?

Yes!

Rev. Erop

Do we have Christian productions by Riverwood?

Most of the productions done by Riverwood are Christian. But they also have interfaith films.

Nickson -Youth TV

Why is it that government carries its adverts, such as the Polio campaigns only on selected stations yet the constitution provides for access to information by all including the smaller stations? Isn't this unfair to the small media players?

The government procurement system for adverts guides the procurement of advertising space.

David Muita -Civil Society

Does the Riverwood hijack scripts as it used to happen by media houses?

KECOBO can assist in copyright related issues and the associated criminal investigation. Going to court is the best resolve for compensation. However, it is advisable that scriptwriters protect their script. Good scripts need one to invest in some training. Cost of the training now stands at KShs, 1000/= per day.

What are the criteria for joining Riverwood production?

Riverwood has several membership categories such as individuals, professional production companies and group of persons e.g. a youth group.

Eric -Elimu TV

What is the cost of programmes made by Riverwood?

The cost of producing a programme varies from KES 60,000- 100,000.

George Okonji (Civil Society)

How many jobs has Riverwood created so far?

On average, 5000 jobs have been created. Riverwood has a target of creating 450,000 jobs.

Gilbert -Deliverance TV

How do I contact Riverwood?

Riverwood can be contacted through its website and on social media.

Does Riverwood assist young people to produce their own programmes?

Riverwood comprises of 80% youth. Riverwood does not however give capital to youth.

How do young people join Riverwood?

The youth are required to prove that they can produce by availing a pilot programme, which is then examined. If it is good, then it is then used to attract financing the film/production. E.g. seismic youth from Mombasa

Edward - Academia

Collaboration between the Academia with Riverwood- invite Riverwood to higher institutions of learning for collaboration.

Riverwood is welcome to collaboration with academic institutions, in fact, Riverwood is already collaborating with one of Universities in the country. Other film production ventures are with Kenya films festival and Elimu Academy.

Alex

How do we address embarrassing adverts e.g. for condoms?

The Broadcasting Regulations and the programming code refer to the watershed guidelines that also apply to advertisement. Consumers are encouraged to lodge their complaints on offensive content to CA for action.

Wainaina -Elimu TV

Is CA considering conducting awareness in schools?

Riverwood is already collaborating with Kenya University. Other film production ventures are with Kenya films festival and Elimu Academy.

The public is still awaiting the promised STBs by some media houses. What does CA advise?

CA has no information on this.

ANNEX I : List of Attendees



Broadcast Forum
participants.xlsx

2015 ICT WEEK
DAY 3: TELECOMMUNICATION FORUM REPORT
Date: 13th May, 2015
Venue: Sarova Panafric Hotel

The Director, Competition Tariffs and Market Analysis (CTMA) Mr. Matano Ndaró called the Forum to order at 9.00am. In his opening remarks, Mr Matano reiterated CA's commitment to all stakeholders in the sector and that the Authority values the interactions and exchange of ideas with its licensees and the general public. Mr. Matano also noted that CA is open for further engagement on ways to improve the sector.

Mr. Nzano, the moderator of the day, summarized the day's timetable, and appreciated all participants for finding time to attend the annual event.

Session I: PRESENTATION

The morning session had four presentations as follows:

1.1 Managing Competition - Eva Mwasho (CA)

Ms. Mwasho noted that management of competition is meant to ensure a level and fair playing ground for all operators. She highlighted the several initiatives being undertaken by the Authority to promote healthy competition that includes licensing of new entrants into the sector, identification and removal of barriers for entry of new operators among others. Operators were also reminded of their obligation to apply for approval of all promotions and special offers before launch of the same the market.

1.2 Licensing of Telecom players - Crispine Ogongo (CA)

This presentation focused on licensing trends, status and modification of licenses. The presentation covered the Unified Licensing Framework (ULF) and transitional provisions, the role of licensing, new market developments, suspension of operations and challenges facing the ICT regulator.

Mr. Ogongo pointed out that with the fast change in technology, the Licensing ULF regime provides for transitional provisions to cater for new licensable areas.

The forum was also informed of the changes in the law and governing regulations. For example, penalties levied for non-compliance are pegged at a minimum of KShs. 500,000 and a max of 0.2 % of annual gross turnover, spectrum allocation will now be market based and delayed payment of regulatory fees will attract an interest.

1.3 Telecom Compliance - Derrick Khamali (CA)

In this presentation, the importance of assessment of compliance was highlighted. Licensees were encouraged to internalize their license Terms and Conditions (T&C) in addition to knowing the T&Cs of their business partners in order to build better customer and business relationships. The process of renewing the compliance certificate was tackled in detail and participants informed of all the necessary requirements.

1.4 Brief on DNS Ecosystem - KENIC

It was noted that the adoption of domain names is still very low in Kenya. Participants and the general public were encouraged to take up Kenyan domain names.

The presentation have been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>.

Question & Answer Session:

Clara Nandwa - Frontier

It has been said that Safaricom is a dominant player in the ICT market, what is CA's take on this?

Dennis –UON

Dominant market share- is it abuse or 50% market share?

Faith Odhiambo – UON

It is not very clear which organization handles dominance in the ICT sector, is it CA or CAK?

The 1998 KICA ACT had pegged dominance at 25% of the market share, which was in conflict to the CAK ACT requirement of 50%. With the amendment of the ACT, the two laws have been harmonized and dominance pegged at 50% of the market share. It should be noted that for an operator to be declared dominant, it must have a market share of more than 50% and must have been found to abuse the dominance status. With the signing of the MoU between CA and CAK, CA can now move with speed to evaluate the dominant status of operators with ease. The MOU assists in having a joint task force on activities of mutual concern and removing grey areas.

After dominance status has been declared, the authority will then be required to regulate all services offered by the dominant operator.

Olero-CSP

Can CA assist in remedying the Music Artist being conned by CSP?

The relationship between music artists and CSP is beyond the CA enforcement mechanism (beyond the scope of CSP license).

Tudor Communications

With regards to compliance evaluation, it has been noted that CA focuses only on the quality of products and services. How does the Authority handle the quantity of

products and services on offer in the sector e.g. Customers are being billed per minute but the call duration may be less than a minute.

All operators are required to advise their clients in advance on the quantity and cost of the various services and products through the signing of SLAs where appropriate. However, where operators shortchange consumers, consumers have a right to first seek remedy from their service provider. If the issues raised are not satisfactorily dispensed with, they can then inform CA for further interventions.

Service providers are also required to file with CA the service approval applications where they detail the services and products on offer and the associated cost, quantity and quality parameters.

CA has also provided a platform for licensees and consumers to report any issues with ICT services and products through the email: chukuahatua@ca.go.ke.

Session 2

a) USF Presentation - Mr. Godfrey Muhatia

The forum was informed that the USF fund complements private sector initiatives towards universal access to ICT services. Currently the fund has Ksh. 2.5B whereby CA has contributed Ksh. 1B and promised 25% of its surplus resources to the fund every year.

On Access Gaps, the forum was informed that the Authority did a study in 2010 that identified possible areas of investment for the fund. However, some of the gaps identified are believed to have been filled and that the Authority is planning to carry out another study to determine the current status within the next 14 months. Meanwhile, the Authority has been undertaking pilot projects aimed at ensuring access to ICT services in selected areas around the country.

Among the Authority's targets this year include the extension of the network rollout through spectrum waivers, provision of subsidies upon completion of the access gap study, provision of broadband connectivity in two counties; Marsabit and Tana River, capacity building through the establishment of 46 e-resource centers round the country among others.

b) Presentation on consumer issues from CA perspective - Juma Ooro

The presentation focused on the regulatory framework, customer expectations/ satisfaction, consumer rights and behavior, customer responsibilities, consumer education and protection and complaints handling. Licensees need to educate their customers and use the customers' complains as feedback for improvement.

Mr. Juma put emphasis on the licensee's obligation to consumers which includes: development and implementation of customer care systems, preparation and publicizing of complaint handling procedures and maintaining confidentiality of client data among others.

The forum was also informed that CA has been undertaking consumer satisfaction surveys, which have indicated an improvement in the handling of consumer complaints. However, the surveys have highlighted the need for increased consumer education i.e. it was noted that some consumers do not demand for information, do not complain and some who do complain do so to the wrong institutions.

c) Presentation on consumer issues - industry perspective by Alex Gakuru of the Consumer Association of Kenya

Mr. Gakuru noted that there has been a lot of progress on the consumer protection front since CA created a fully-fledged department to handle consumer issues. He challenged CA to present its consumer survey results on the blogger networks to get a real feel on what is going on.

Operators were also challenged to come out indicating any mechanisms they have in place to protect children from pornography on their networks. They were also encouraged to provide all necessary product/service information to enable consumers gain full benefit from them.

CA was challenged to constantly monitor contracts between operators and their clients as these contracts are varied at will regularly and without due regard to the consumer's welfare. The regulator was also encouraged to ensure that services are available during emergencies as per the law.

In this presentation the forum was encouraged to put the regulator on reality check. The presentation also highlighted on consumer rights, quality of service, net neutrality, privacy amongst others. A do not disturb database for mobile subscribers who do not want to receive unsolicited messages was also proposed.

The presentation have been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Question & Answer Session:

It has been noticed that for a failed mobile money transaction, the process of reversing the event takes long and in some cases failures have been reported. Why so and what is CA's take on the issue?

It is mandatory for one to provide their identification before transacting to prevent this issue from arising in the first place. However in case this happens, the consumers are encouraged to lodge a complaint with the operator and later to the regulator if the issue is not resolved satisfactorily.

Cooling off transaction time put in place in order to cater for any other foul play currently stands at 48 hours. This is the time one has to wait for the reverse transaction to be effected. It should also be noted that CA only deals with network issues with regards to money transfer

transactions but the cost of service and related financial management issues remain the preserve of the Central Bank of Kenya (CBK).

George Okongi- CSO

Why do the mobile service providers charge a fee against airtime purchased by a mobile subscriber?

Such cases should be reported to CA for regulatory action. However in the case of loaned mobile resources, the deduction is taken as interest on the loan facility extended to the subscriber.

Mobile subscribers are charging for unsolicited ringtones?

Unsolicited subscription is illegal; the complaint should be forwarded to CA's Chukua Hatua platform for appropriate action i.e. chukuahatua@ca.go.ke

Access Kenya – Lorna

Are telcos required or expected to contribute to the fund even in the duration when the fund was suspended?

CA issues invoices on the USF fund and the invoices clearly indicate the payment period in question. So far, CA has not issued invoices for the financial years in question. However, if there is an operator with an erroneous invoice, he/she should report the issue to CA for correction.

Daniel Macharia – Gilati (ISP)

There is a pricing difference of 10 - 20 % of services offered by Safaricom to its customers Vis a Vis other service providers connected to it.

There is a possibility to have a cross subsidy. CA will engage further on this.

Session 3: ENFORCEMENT

Presentation on Enforcement – Derick Khamali (CA)

In this presentation, the forum was informed that the Authority derives its enforcement mandate from the sector laws and regulations. Mr Khamali noted that the enforcement function ensures order in the sector by imposing conditions that guarantee compliance to the license, facilitate predictability and reliability in the industry, deter illegality, stimulates fair competition among other benefits.

On receiving complaints, the Authority usually provides the operator an opportunity to respond to the claims. If the response is unsatisfactory, the Authority then undertakes its independent investigations to ascertain the issues raised. Mr Khamali guaranteed all operators and consumers of CA's commitment to fair and transparent implementation of the Authority's enforcement mandate.

In general, the presentation focused on the legal and regulatory framework for enforcement. CA called upon all stakeholders to provide information on any irregular activities in the sector to assist to ensure sanity in the market.

The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

Question & Answer Session:

Munish of Gilati-ISP

We are experiencing interference in our links operating in the unlicensed band. How can CA assist?

The unlicensed band does not attract protection. It is expected that the licensees using this band should be able to agree on its use among themselves in the affected area.

Henry/Extranet ISP

Non-licensed companies especially ISPs, are offering services such as Internet and wide area networks to end consumers in cohorts with NFPs. What is CA doing about it?

It is illegal for any service provider in this industry to operate without a license. This is an illegal activity and both the middle company and the parent NFP licensee are culpable. Such cases should be reported to the Authority for action.

George

If my licence is temporarily suspended, is there an opportunity to appeal?

One can appeal to the Communications Tribunal. The next level of appeal would be the high Court.

Kasoso kasumu-Simba Africa

What is the importance of submitting compliance returns every quarter?

The returns are the basis for the issuance of the compliance certificate as they indicate the activities undertaken by the licensees over the specified period. The returns are also a way of updating licensee information in case of any changes and provide a platform for exchange of ideas between the licensee and CA. Further, the Compliance returns data is crucial for evaluating sector performance and inform decision-making. The returns can also be used to detect any abnormalities in the sector.

Mike – Mobikash

It is said that the USF fund is pegged at 0.5 % of the gross revenue. Is this based only on the revenue generated from the CA license or the whole company revenue?

The USF invoice is based on the gross revenue from CA licensed services only. The operators are encouraged to separate their accounts to avoid erroneous billing and reduce the time taken to prepare the invoices.

David – UON

Kindly clarify on the status of thin sim technology/SIM card by Equitel?

CA is getting an independent party to review and avail expert opinion on the issues raised by Safaricom and other stakeholders. Meanwhile, Equitel has been allowed to roll out the thin sim on a test basis.

What is the status of post-paid accumulated subscriber minutes issue with Safaricom?

It was indicated in the media that Safaricom had allowed subscribers to use their accumulated resources but then changed the terms for the new contract such that the monthly resources as acquired will be expiring at the end of that month. CA informed the forum that it is monitoring the issue.

2015 ICT WEEK DAY 4: THE CONTRACTORS, VENDORS AND TECHNICAL PERSONNEL FORUM REPORT Date: 14th May, 2015 Venue: Sarova Panafric Hotel

The forum started at 9.30 a.m. by Mr. Kirui making the opening remarks. He highlighted the importance of Telecom Contractors, Vendors and Technical Personnel in ensuring telecommunication standards are upheld. It was further noted that the objectives of the forum, include:-

1. To accord licensees a forum to interact with CA as investors.
2. To bring to the attention as a regulator some of the challenges and find a common ground to work together.

SESSION 1: PRESENTATIONS

The morning session had three presentations as follows:

1.1 Telecom Licensing and Compliance - Fred Ong'aro (CA)

Mr. Ong'aro started the presentation by posing a question to the participants, "Do we know about licenses, the rules, terms and conditions?" The answer to the question was that these are meant to give power to do what is expected of the licensees and contribute to the country's economy, while emphasizing on what compliance means. They are related to the standards, laws, rules and policies. The presentation highlighted on the license conditions, the importance of annual renewal of the license. It was noted that licensees have obligations that have to be honoured, among them protection of persons and property. Failure to comply with the license terms and conditions may lead to:

- i. Levying of penalties
- ii. Suspension of the license
- iii. Criminal prosecution
- iv. Revocation of the license among other regulatory options

Recap:

- Know your licence and its terms and conditions

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

1.2 Type Approval and Certification – Mwende Njiraine (CA)

The presentation was made by Mwende Njiraine; Manager Type Approval, CA. She advised the participants that there is need to submit test reports and their results. She noted that an evaluation report takes about 45 days and set top boxes are approved after 2 weeks. Telecom equipment should not become health or environmental hazards and no modifications should be made to them. Adequate spares should be maintained and replaced within the warranty period.

With regard to certification of compliance, there is need to follow the laid down guidelines for supply. Safety of persons and property e.g. public roads and land should be observed. CA has the authority to carry out annual and ad-hoc inspections of the contractors, though they do not storm the premises, but do it at reasonable times.

Summary of presentation;

- Reasons why we type approve
- Requirements for type approval
- Manuals must be in English and be legible
- Need warranty for type approval to take place

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

1.3 Institute of Electrical and Electronics Engineering (IEEE) - John Matogo

The presentation highlighted their areas of operations. Among them, who they are, what they do, reason to join and facts about them.

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Question & Answer Session:

Lorna- Access Kenya

Installation of Masts: After installation, does the responsibility for maintenance of installations fall on its owner or the installer?

The Installer is expected to have a Service Level Agreement (SLA) with the owner, and the SLA should include maintenance of the equipment. The Contractors are advised to ensure that after installation, the owners are advised accordingly.

Martin Nyakundi O'Barimo – Television Viewers and Radio Listeners Association (TEVIRA)

What are you doing about the contractors who lay cables in the ground, then leave the ground carelessly bare? Licensees who lay cables that cut across the road and do not return the road as it was? Does CA do monitoring of the same? What are the penalties? Do you have people laying cables yet have not renewed their licenses?

CA has a monitoring and inspection team but is in the process of engaging independent personnel to assist. CA will divide the country into clusters then hire companies to assist in monitoring and evaluation by July 2015. The penalties are being reviewed. Currently they are applicable on a case-by-case basis in accordance with the magnitude of the illegality.

With regard to hazard laying of cables along and across roads, the Infrastructure Regulation which is in the offing will ensure that telecommunications infrastructure are put in place while constructing roads by making provision for ducts.

We have noted from the presentation that there are licensees who are yet to renew their licenses. Are there technical personnel who are working without renewal of their licences?

CA invites all participants to share information on those who are operating without the requisite Licence(s). Such persons will be taken to court. CA will soon de-gazette those who have not renewed their licenses. Regulations are being reviewed and CA is taking steps to ensure that those breaking the rules are penalized. CA is putting up a structure whereby it will be easier to manage the licensees in a better way.

CA should consider revocation of the Licence if the penalties are not adhered to

The framework is being reviewed to put in place specific penalties.

What is CA's take on fake mobile phones and impact of earphones and their life-span?

This is an issue of consumer awareness. Consumers should not use earphones for too long and especially with high sound levels (volume). The mobile phone dealers are expected to submit test reports, giving the specific absorption rates, which indicates the amount of absorption when using the phone. The manufacturer determines the life span of a mobile phone. CA is there to ensure that the equipment is meet the standards.

Samson Juma

With regard to type approval of equipment, I have noted that once an equipment has been type approved, any vendor can sell it. What if other companies are waiting until my equipment is type approved before they import and sell?

This is an occurrence that the CA has no authority or control over. It is, however, to the advantage of the industry that the Authority does not require every contractor to submit the same equipment for type approval.

Wainaina-Elimu TV

What is CA doing about counterfeit goods that are streaming into the country?

The operators are expected to sell standard equipment. CA does inspections in and out of Nairobi. CA carried out a campaign dubbed ‘‘Pata ukweli wa mtambo.’’ Consumers are meant to send the code at the back of the phone to 1555, then get a confirmation whether it is genuine or not.

CA is working in collaboration with KRA so as to ensure that a type approval is issued. Currently, goods are inspected at point of entry including UN import goods. It also uses the police to ensure culprits are arrested. At the moment there is an issue of capacity, hence are in the process of engaging external contractors by July 2015.

Solomon Danda – Bell Electric -Kisumu

Does CA have regulations in place for the common mwananchi in regards to issues of radiation, is the mwananchi safe enough?

Absorption rate applies only to devices. There are non-ionising radiation which comes from radio frequencies. Radiation issues are a global issue. CA has followed up on best practices so as to maintain the standards.

What is the health implication of electronic waste?

Contractors were advised not to dump electronic waste with other waste. Through the East African Communication Organization (EACO), a document on best practices has been drafted. The document explains how to manage electronic waste, which can also be recycled. For example, one way of dealing with the problem is to ensure that those that are imported, are exported back to the country of origin for recycling. Vendors were also advised to ensure they comply with type approval requirements.

It was noted that NEMA is the lead agency on E-Waste.

How long is it advisable for Riggers to stay on the Mast?

Riggers are supposed to follow the External Installation guidelines. In any case, Riggers should ensure that the transmitters are switch-off before climbing the masts

Danson

What are the parameters for type approving equipment?

All equipment that comes to the country is subject to type approval. The type approval of telecommunication equipment depends on the type of equipment. The Type approval application form details the basic requirements and the associated documentation necessary for the exercise.

Patrick Kamanda - Wireless Innovation

How often do you update the Type approval list?

Contractors are advised to visit CA's website where they will be able to see the updated type approval list, which is updated monthly.

Nicholas – Technology Capital.

Do the set top boxes Aerials for digital migration also need type approval?

CA looks at the set top boxes. Currently, we are not type-approving the aerial.

Martin Nyakundi

What are the registration costs for joining IEEE?

IEEE is a membership organization, which has an annual fee that is paid to IEEE.

- Professional membership or organizations – USD 130
- Student membership – USD 50
- Special membership depends on the kind of society- some are free and some pay USD 17.

Participants were advised to visit the IEEE website to learn more.

What are you going to do about the engineers who are ripping off the consumers of their money?

EEE does not enforce or provide professional checks on items and services.

As the chairman of the Kenya Chapter of IEEE, what form of guidelines or regulation exists on the cost of repairs of electronic equipment, to protect the consumer from being charged exorbitantly for this service?

It is difficult to regulate fee on cost of repairs. However, some checks will be considered as the society grows

Kariuki – A Technician

Was the organization in existence during the digital migration?

Yes, IEEE was and we concur that Digital migration is a bright idea despite the challenges of implementing it.

What are the differences and benefits of the membership fees?

I

EEE also has 'E' membership. This is on-line membership, hence no paper work.

Edward – The Academia

Call costs - Safaricom is overcharging its customers on roaming costs. Give us guidance on how the cost can be brought down and not leave the citizens under the control of market forces (demand and Supply)

The interconnection fee was reviewed downwards, making Kenya the country with the lowest charges on mobile calls. Although roaming is an international challenge, within the EAC region, the roaming charges have been reduced substantially under the EAC and Regional integration projects.

Meanwhile, Number Portability is still in operation and one can port his number to another operator.

Jit – Express Automation

Is CA considering Digital migration of FM radio?

This is an area that the Authority is monitoring and no concrete plans are in place yet.

Jane – Elimu TV

Comment: With the Digital TV migration, more broadcasters have been authorised, thus reducing the cost of advertisements. Hence advertisers are encouraged to explore the new broadcasters.

SESSION 2: PRESENTATIONS

The afternoon session had two presentations as follows:

Opportunities and Challenges – Derrick (CA)

This session was presented in a participatory approach. Among the areas of concern were Licensing & Compliance, the procedures were outlined as in the application form and its cost, not forgetting the Compliance Reporting forms. The challenges and available opportunities were also identified.

Relationship with other Government entities were outlined, while identifying the relevant entities. The way forward and conclusions were made.

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Question & Answer Session:

Koech – Frontier

How big is the CA team, is it growing along with the growth of ICT? Don't you need to open branches countywide?

The Type approval team comprises of only six officers. CA has challenges in capacity and is therefore in the process of out sourcing certain aspects of the work to contractors from July

2015. CA has opened two regional offices, one in Mombasa and the other in Eldoret to cover the Coast and Western regions respectively.

Is type approval growing at the rate at which the market is growing?

One has to be a compliant licensee or a vendor, in order to apply for type approval.

How are you handling usage and adaptation of tariffs?

CA has a mandate over the tariffs. CA has made some recommendations on the tariffs, currently Kenya is among the countries with low tariff rates. Roaming charges are difficult to regulate because it is regulated internationally but already rates have been reduced in some regions like Kenya and Rwanda. It is being implemented in blocks e.g. through the EAC and the Northern Corridor. There is freedom to shift from one ISP provider to another when need be.

Damaris – TESPOK

Comments: Mobile tariffs- They might not be very high, considering that the Mobile Operators are bearing a high tax burden from the government.

Moses Kisomo- Simba Africa

What role does CA play in rolling out cable network and devolving services and infrastructure across Kenya without a bias in urban areas?

CA's mandate is to ensure that citizens have access to ICT services. Most vendors want to concentrate in urban area since that is where business is. Thus CA introduced the USF fund as a motivation to roll out the services to other areas.

Charles Kiburu

What is CA doing to adopt VHF digital Walkie Talkie, since there are many departments/organizations that are already using such radios?

CA advocates the adoption and user of the digital radios since they are more efficient and have small bandwidth requirements. But currently we are yet to put a determination on this. The issue is still being monitored

SESSION 3: QUESTION & ANSWER

Peter Tanui - Gilati

Why do county governments have issues with contractors? It seems that a CA Licence is not considered keenly by the County Governments!

CA is working closely with County governments to address such challenges whenever they are reported. Contractors need to report to CA the challenges they encounter to enable CA to engage with the relevant County government.

CA licence is not a requirement during tendering it does not seem to carry weight. Does CA look at the advertised tenders?

CA licensing department will look at this and sensitize the public on the need to hire CA licensed contractors. It is also about how CA-licensed contractors market themselves. If they do quality work using CA licence, it will become a standard and give value to it.

Chris Wafula

International players seem to have an upper hand in business. What regulations have been put in place for them, before they get into the market? What has CA put in place to give locals an upper hand?

When in business, professionalism gives one accreditation over the other person. This gives recognition to one and an advantage over the competitor. The road construction should be accompanied by the ICT installation so as to avoid messing up of the road later during ICT installation.

What are the roles of CA and NCA in construction? Why have two Licences?

They are both ACTs of Parliament and cover different areas. CA deals with ICT while NCA deals with constructions, therefore, have different mandates. CA sensitizes the consumers/public on the licensed/genuine contractors/operators. CA is in the process of deregistering unlicensed operators.

Are Airtel and Safaricom's masts safe?

CA did an audit of the sites and incorporated the report so as to ensure that the mast areas are secure, fenced and noise from the generators is reduced.

Why are all ICT equipment's black yet belongs to different operators? Should they not have different colours for differentiating the company?

Colour of the equipment is not a problem to CA as long as the work is well done and licensed.

Telephone coding is currently similar, was the difference abolished?

In 2000-2004, the government reserved some section for Telkom Kenya but later opened the reserved areas for competition. Telkom Kenya exchanges still exist, however due to mobile phones and CDMA, they are not very active. The codes were revised from 2 digits to 3 digits e.g. Nairobi is 020 from 02.

Who is supposed to police ICT services, is it CA or the operators, do we have a local company that represents Kenya especially in Telecom?

CA is the legal entity establish for this function

Clement Adua.

Along Mombasa Road, there is a mast above a roof-top which is very scary. What can CA do about this?

The effect of that antenna on those below is very minimal. There are certain factors considered when putting up an antenna.

Can CA come up with a framework like for medical and law fraternity that allows technical personnel to gain capacity among local players and students? There is a gap between college and practical work.

CA has a MoU with academia to train their students when they go to CA for internship. CA works in collaboration with institutions in ensuring that the students' get practical training, CA will push further for more effectiveness and efficiency.

Recap

The main issues captured include;-

- Hawking of telecom equipment- Hawkers are not licensed and hence they provide unnecessary competition to the players. CA is outsourcing inspection, which is expected to assist in arresting the situation.
- Illegal Operators
- Unlicensed Technical Personnel or Technical Personnel whose licences have expired
- Fake/Imitation/Counterfeit products.

2015 ICT WEEK
DAY 5: POSTAL AND COURIER FORUM REPORT
Date: 15th May, 2015
Venue: Sarova Panafric Hotel

Introduction

Mr. Liston Kirui, Assistant Director/Telecoms Licensing and Compliance, called the Forum to order at 9.20am with a welcome note on behalf of Mr. C.K. Kemei, the Director Licensing Compliance and Standards. He invited the Moderator of the day, Mr. Martin Ngesa, assistant director /postal licensing and compliance

Mr. Ngesa welcomed all participants to the forum, highlighted the day's program and underlined the importance of the courier industry in the country's economic development. He informed the forum that the Authority has started implementing the Automatic Quality Mail Monitoring System (AQMMS) starting with some selected postal outlets then later to the private operators. He also indicated CA's plans to undertake a study in the postal and courier sub-sector to identify the challenges and ways of improvement.

He subsequently, he invited the presenters.

SESSION 1:

Licensing activities in the Postal and Courier Industry- Jolly Sogomo (Manager/ Postal Courier Licensing)

In this presentation, Mrs. Sogomo highlighted the postal landscape, providing a summary of sector statistics and the opportunities in the sector. She further shared the Regulatory tools, Licence categories, licensing requirements and conditions and key challenges in the sector.

The forum was informed of the ongoing review of the licensing framework and the same will be published for public participation. Ms. Sogomo encouraged all licensees to forward their comments to add value to the review process.

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Trends in the Postal & Courier Sub-sector- Richard Tonui

In this presentation, Mr. Richard Tonui shared the role the Postal/courier industry has played in the global economy. He informed the forum of the increased opportunities with the advancement of ICT technologies e.g. e-commerce and encouraged participants to take advantage of the sector growth to grow their businesses. It was noted that there is increased demand for intra-city and inter-city delivery services with the concentration of populations in urban centres. Licensees were encouraged to improve service quality and integrity of client information to spur growth of the sub-sector.

To improve the sector, Mr Tonui emphasized on the need for collaboration among the different players, provision of innovative products and services, secure payment and delivery systems among other initiatives.

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Evolution of the postal courier sector- Steven Muriuki (Director PCK)

On behalf of the Postmaster General of PCK, Mr. Muriuki provided the history of the postal and courier sector and the advancements since PCK's formation in 1998 by an ACT of parliament. He informed the forum that PCK offers three major services i.e. mail delivery, courier and parcels and payments platforms.

The forum was informed of PCK's initiatives in improving service delivery i.e. creation of market-driven entities, market segmentation, diversification and modernization of products and services among others. Mr. Muriuki pointed out that e-commerce will be the area to watch for the growth of the postal sector

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Opportunities and Challenges in the Courier Industry- Charity (Secretariat -the Courier Industry Association of Kenya (CIAK))

In a presentation by Charity Ndinda, CIAK secretary, the forum was informed that the main opportunities in the courier sector are derived from e-commerce such as tracking of parcels using applications. The growing SME sector is also a potential market for courier services and hence the need for more strategic partnership between the sector players. She informed the forum of the signed MoU between CIAK and KeBS for greater collaboration in resolving standardization issues in the sector. The Forum was informed that CIAK offers a good platform for members to network and share information.

The challenges in the sector include entrance of new licensed operators who may not be knowing the market, lack of the national addressing system, lack of packing, loading and

offloading space on our towns and cities, Payment of multiple fees across county borders and competition from illegal operators charging very low for their services.

The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

QUESTION AND ANSWER SESSION

Joseph Ogara-Premium Travellers

Please clarify on the transfer of license.

A: Transfer of licence is an important aspect of regulation. The process ensures that no Licences are transferred without the due process that includes gazette notification being followed as names and other particulars may interfere with other parties. This is the main reason why the names of the directors are published as per the law.

When did CIAK begin and what is the process of becoming a member?

A: CIAK has been operational for the last ten years and boasts of a membership of 25 active members. The membership fee is Kshs 5000. The organization has offices at DHL. They can be contacted by the email: ciak2012@gmail.com.

What is the purpose of the proposed Post Buses as noted from the presentation of PCK?

Post buses are to be used for both the mail delivery and transportation of passengers. This has been benchmarked in other countries like Germany, Ethiopia, Uganda, Burundi and Switzerland who have successful post-buses.

Samson-Crown Courier

What challenges is PCK facing on competition and what are you doing about it?

Competition is good. PCK has a universal service obligation for mail delivery to all citizens, even in the remote parts of the country. PCK is competing and cooperating with DHL and others in the parcel delivery service.

Edward -Academia

With regard to innovation and diversification, what progress has been made so far? PCK has been threatened by the incoming different forms of communication such as facebook and instagram. Are you considering partnering with ISPs to avail services better and/or offer Internet?

As indicated above, PCK is considering post buses. PCK is also considering mail/letter sms notification to all the post office box renters. PCK is expanding the Huduma Centres concept to meet the needs of its customers in all the 47 counties, amongst other forms of diversification projects.

PCK is threatened with extinction. Why does PCK wish to increase the rental fee of post office boxes, which may result in PCK losing the few customers that it still has?

PCK is aware of the concern raised in this question. However, PCK is considering value addition of the boxes through mail notification as noted above.

Micheal Njeru -Access Kenya

Products purchased on the online platform, attract a lot of levies/taxes once they arrive in the country, making the product too costly. The charge on the product often equal or exceeds the purchase price of the product. This threatens e-commerce in Kenya as it discourages online purchase and the associated courier business of delivering the product. Can CA intervene?

The above has been noted, it is discouraging especially for products whose value is less than the Import Declaration fee of KShs. 5,000/=. The forum was also informed that a study undertaken by a British Consultant firm identified import duty as a serious barrier to e-commerce in Kenya. Further, there are double standards in determining duty of the same imported product. The matters have been submitted in a memo by CIAK to the Cabinet Secretary, who promised to address the issues with relevant authorities in a meeting in September 2014.

PCK also informed the forum that it is working on a project with SME to offer a cross-border solution in which the cost of the customs will be addressed.

Nicholas-Technology market development

Notification of mail arrival- PCK should consider putting in place a system to notify its post office box clients whenever a letter/mail arrives at their box.

PCK is at an advance stage in the implementation of the mail notification system. The system will further ask the client whether he/she desires that the letter/mail be delivered to his/her destination/home.

Moses Kamau –Transweb Deliveries

Harassment of courier undertaking delivery by motorcycle: Harassment by the county government officials when it comes to any form of advertisements on the courier

company vehicles and motorcycles. The county governments are charging exorbitantly per sticker. How can CA intervene?

The courier players have complained on this and CIAK has forwarded the complaints to the necessary arms of the government

What is PCKs plan considering the market competition

Postal services are part of the government's Universal service obligations i.e. even the poor of the poor is expected to benefit from these services. It was noted that competition is good but that the regulator is expected to monitor uncompetitive practices to protect this very important universal service. In fact PCK is competing and is collaborating with the competition e.g. with other operators like DHL among others. It was also noted that postal services are very affordable compared to those of courier companies hence any other citizen can be comfortable to use it.

SESSION 2:

Presentation 1: Consumer Issues in ICT Regulation – Derrick Khamali

On behalf of Mr. Ooro, the above presentation shared the various consumer issues in the courier sector.

The presentation focused on the regulatory framework, customer expectations/ satisfaction, consumer rights and behavior, customer responsibilities, consumer education and protection and complaints handling. It was noted that licensees need to educate their customers and use the customers' complaints as feedback for improvement.

In the presentation the licensee's obligation to consumers were highlighted such as development and implementation of customer care systems, preparation and publicizing of complaint handling procedures, maintaining confidentiality of client data among others.

The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

Presentation2: Enforcement Activities in the Postal & Courier Industry- Jolly Sogomo

In this presentation, the forum was informed of the role of CA in the transformation of the sector. Knowledge on the regulatory tools, license conditions, key for enforcement, inspection and monitoring was also shared. The presentation also informed participants of enforcement activities carried out by CA highlighting some of the cases where illegal operators were arrested, the list of prohibited items that are not to be couriered and the penalties issued for non-compliance to Licence conditions.

She also highlighted the challenges experienced by the regulator in ensuring compliance is achieved by the licencees because most of them lack knowledge of what the Licence conditions state. She further urged them to familiarize themselves with the conditions. It was also noted that illegal operators are on the rise and to help CA take enforcement action, licensed operators should feel free to share any information that will help bring fair competition into the market

The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

QUESTION AND ANSWER SESSION

Ann – CIAK

Kindly share information on the relevance of the USF fund to the Courier industry

The USF is managed by the USAC. The fund is available to all players and players are encouraged to apply for it once it becomes operational.

Clement

I wish to know what CA is doing to ensure Broadcast Content appropriateness in the TV programming?

CA has publicized the programming Code and posted it on the CA website for public comments. The programming code proposes ways of dealing with the issues of content appropriateness in TV programming. Members are encouraged to visit the website and also avail comments.

Peter Muchiri

Is Pizza delivery service in the towns/cities a courier activity, what category does they fall into?

Yes, it falls under courier sector, depending on where its bought and where it will be delivered it can fall under any of the Licence category.

Participants are encouraged to familiarize themselves with the definition of a courier operator and the various categories of Courier Licences.

Last year, the participants did not receive the ICT Week report. Give us assurance that this time we will receive it.

The rapporteur team wishes to assure the forum that it will do its best to ensure that the report is circulated to the participants and invited the participants to confirm that they have duly registered their particulars correctly.

Moses Kamau- Transweb Deliveries

Give us the list of items prohibited to be carried by Couriers.

The list of prohibited items is covered under the sector Regulation of 2010. Participants were also advised that they can propose other items that should be added to this list to CA.

Kariuki- PCK

He expressed concern for the lack of screening facilities at most of the country entry point/gates!

The forum was informed that upon request by CIAK and PCK, the CA convened a multi-stakeholders committee on the screening of cross border-mail. The committee is in the final stages of coming with the equipment costs and a way forward is expected.

SESSION 3:

Case Study On Courier Co-operations-Allan Cassels - DHL country DIRECTOR

He informed the forum of the available opportunity to partner with international courier operators in delivering products to the remote parts of the country. At the same time, the local operators can use these international links to deliver their services internationally.

He further highlighted several challenges facing the courier sector in the country and challenged the Authority to intervene. The challenges include the un-level playing field both in checking and charges i.e. payments to CA, GoK, KAA, KEBS and RDL

The presentation has been uploaded on the link:-
<http://www.slideshare.net/CAKenya/presentations>

Joint Presentation on Automatic Mail quality measurement project – Dr. Julius Tsuwi (UPU)/M. Ngesa/CA

The project consists of a digital approach to measuring quality of mail service as opposed to the manual method of scrutinizing date stamp impression on letters to determine delivery period. This is through the RFID readers installed at post offices, which read test letters that contain transponders sent by independent panelists across Kenya. In this presentation, the forum was informed of the MoU between CA and UPU with regard to this venture, the training on the system, and implementation status of the project, and the associated benefits. He also shared with the forum the different places where the installation has taken place and by the use of a map he elaborated on how the system works.

The presentation has been uploaded on the link:- <http://www.slideshare.net/CAKenya/presentations>

QUESTION AND ANSWER SESSION

DHL

The Courier Operators are being over-taxed in Kenya. Its easier to do business in Rwanda than in Kenya. As a result, some courier operators have closed shop and some with international links are now re-locating to other countries. The USF fund contribution is an additional burden to the courier operators. Is it possible to require them to undertake Corporate Social responsibilities instead of contributing to the fund?

Public consultations were done before the USF fund was established of which the courier operators were invited. Hence the USF regulations are now enforceable and operators are required to contribute to it. This is not however cast in stone as proposals can still be made to the relevant organs for further action.

Rungero

DHL is an International firm. If the USF fund can cause such a firm to consider relocating, where will the local Courier firms relocate to?

Courier Operators are invited to make an appeal to the government if they are convinced that the USF fund is a big burden to them. It's worth noting that the expected contribution at the moment is only 0.5% of the gross turnover.

Boniface - Consumer Org.

Will the USF fund benefit the courier industry?

The USF fund is for the entire ICT sector and not to telecoms only. The procedure for applying for benefits is clear in the regulations and any applicant can do so. CA is available to receive comments/concerns from the industry and will advise the government accordingly. It should be noted that even the USF Regulations could be amended if there are concerns that warrant change.

The last Access gap of 2010 did not show any project to benefit the Courier industry with the exception of expansion of PCK offices. Other than the spillover effect, how else will the courier industry benefit?

A new access gap study is being undertaken and this is expected to address the concerns of the courier industry. The CA encourages participants particularly CIAK to fully participate in the study when it is done.

Andrew Mbogi – Kenya Association of Contractors

I fear that the USF fund will end up in people's pockets but not to benefit the country!

Your concern has been raised elsewhere. And the government responded by providing the assurance that the USAC will be expanded to include all stakeholders and this may require review of legislation.

Andrew Sariwa- Artist

More public consultation required with regard to the USF. Can the associated Regulation be reviewed?

Your comments are noted. The USF is not new to Kenya. This is a global trend with other countries such as South Africa and Uganda having implemented the same. The logic and purpose of the USF is to close the access gaps in the nations of the world. Lets not localize the issue. The courier industry was represented when the USF regulation were being considered. When USAC was being formed, CIAK was invited and it gave its views on how the Courier industry should be incorporated in the USF projects.

Issues of mismanagement of the funds shall be handled by the appropriate government mechanism. A second Access Gap study is being undertaken and hence all courier operators are invited to support this. Otherwise, the USF is good and it has been useful elsewhere.

******* THE END*******