

LEGAL NOTICE NO. 136 OF 2016

ELECTRONIC COMMUNICATIONS ACT, 2013

(Act No. 09 OF 2013)

ELECTRONIC COMMUNICATIONS (THE UNIVERSAL SERVICE AND ACCESS) REGULATIONS, 2016

In exercise of the powers conferred by Section 49 of the Electronic Communications Act, 2013 the Minister for Information, Communication and Technology makes the following Regulations.

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PART I

PRELIMINARY PROVISIONS

Citation and commencement

1. (1) These regulations may be cited as the Electronic Communications (Universal Service and Access) Regulations 2016.

(2) These Regulations shall come into force on the date of publication in the Government Gazette.

2. In these regulations, unless the context otherwise requires –

“Act” means the Electronic Communications Act No. 9 of 2013;

“Annual Turnover” means total revenue generated from licensed activities per annum, less service provider discounts, interconnection and facilities leasing charges and government grants and subsidies, based on audited financial statements, or, if the licensee is not required by law to audit its financial statements, on the annual financial statements signed and sworn by the accounting officer of the licensee;

“Applicable Interest Rate” means the interest rate set by the Monetary Policy Consultative Committee of the Central Bank of Swaziland;

“Automated location identity” means any location information processed in an electronic communications network indicating the geographical position of the subscriber equipment;

“Caller line identity (CLI)” means a facility by which the subscriber number of a caller is displayed on the called party prior to the call being established and is a form of automatic number identity;

“Cost analysis” means an economic evaluation of the component parts of a whole and their relation by using budgeting and accounting practices to determine the true cost and may include a cost-benefit analysis;

“Designated licensee” means a licensee that has been designated in terms of Section 31 of the Act;

“Emergency Centre” means a centre that facilitates the carrying of emergency communications to emergency organisations;

“Higher Education Institutions” means any institution established by or under any law in terms of the Education Act No. 9 of 1981, as amended from time to time;

“Internet Service” means a service that links the user to a collection of interconnected web pages that are transferred using Hypertext Transfer Protocol (http), and is collectively known as the World Wide Web (www);

“Internet Service Provider (ISP)” means an entity that provides access to, or a presence on, the Internet in terms of an electronic communications network or service licence;

“Licensed Activity” means any service provided pursuant to a licence issued in terms of the Act;

“Market Gap Analysis” is the process of identifying and evaluating requirements of a geographic area, market segment or target population and possible solutions to meet these requirements, and includes the identification of the True Access Gap and the Smart Subsidy Zone;

“Regulatory impact assessment (RIA)” means a system approach to critically assessing the positive and negative effects of proposed and existing regulations and non-regulatory alternatives;

“Relevant licensee” means any type of category of licence that is required to comply with a relevant provision of the Act or these regulations as may become applicable to a licence type or category from time to time;

“School” means all primary, secondary or high schools as defined in the Education Act No. 9 of 1981, as amended from time to time;

“Sim card” means subscriber identity module, which is a smart card that gives a cellphone its number and customer identity and stores data for Global System for Mobile communications (GSM) cellular telephone subscribers. Such data includes user identity, location and phone number, network authorisation data, personal security keys, contact lists and stored text messages. Security features include authentication and encryption to protect data;

“Sim-lock” means the inability of a subscriber to use the sim card of another electronic communications network licensee or electronic communications service licensee on the subscriber’s equipment;

“Smart-subsidy zone” means certain rural or high cost areas, and low-income population groups, or other segments of the market that will not be reached for the provision of communications by the market alone, even if it is an efficient market, within a reasonable time; there are areas and groups which have commercial potential but may need a once-off subsidy to mitigate commercial risks, making the area more attractive to commercial operators;

“Soft-lock” means the inability of a subscriber to use the billed or paid services of the electronic communications network licensee or electronic communications service licensee on the subscriber’s equipment;

“Special Tariff” means the discounted rate determined by the Commission that shall be offered by licensees to all requesting schools, higher education institutions, government hospitals and public health facilities by licensees providing internet access;

“Public Health Facility” means a public health care facility established or deemed to be established in terms of the Public Health Act No. 5 of 1969;

“Government Hospital” means a hospital established or deemed to be established in terms of the Public Health Act No 5 of 1969, as amended from time to time;

“Status quo analysis” means the current state of the Information Communication Technology (ICT) industry in a particular area including universal access and universal service provision;

“True Access Gap area or zone” means the extent of public access to electronic communications, at affordable prices, determined by following the process set out in these regulations;

“Universal Access” means the extent of public access to electronic communications at affordable prices determined by following the process set out in these regulations;

“Universal Access Fund” means the universal access fund established in terms of Regulation 4.

Power Functions of the Commission

3. (1) The Commission shall pursuant to the Act and these regulations promote the objectives of universal service and access by monitoring and enforcing compliance with specific annual obligations, Licence Conditions and objectives of the Commission by all persons who are subject to the Act and these regulations.
- (2) In applying and implementing these regulations, the Commission shall –
 - (a) designate universal service providers with obligations to provide universal services;
 - (b) monitor and enforce compliance with and the carrying out of universal service plans by the universal service providers; and
 - (c) monitor and enforce a mechanism for the assessment, collection and recovery of the universal service levy.

PART II

UNIVERSAL ACCESS FUND

Establishment of the Universal Access Fund

4. (1) The Commission shall operate a separate and dedicated account approved by the Board, with an authorised bank in Swaziland, in which all monies received in terms of the Act and these regulations or allocated otherwise for the provision of universal services shall be deposited.
- (2) All payments to be made and provided for in terms of the Act and these regulations are to be made from this account.

Responsibilities of the Chief Financial Officer

5. The Chief Financial Officer of the Commission shall be responsible for the accounting of monies received and payments made from the Universal Access Fund, and shall keep or cause proper accounts and records of account to be kept as are necessary to represent fairly the state of affairs of the Universal Access Fund.

Universal Access Fund Contributions

6. (1) Every provider of public electronic communications services shall contribute annually to the universal access fund, such amount, as determined by the Commission, based on the estimated cost of achieving universal service targets, which amount may not exceed two per cent (2%) of the relevant licensee's Annual Turnover.
- (2) Payments in respect of contributions to the universal access fund shall be –
 - (a) due annually on or before the due date, which is six (6) months after the licensee's financial year end;
 - (b) paid by way of an electronic transfer or via a direct deposit into the account operated in terms of Regulation 4(1);
 - (c) based on the audited financial statement of the licensee or financial statements signed and sworn to by the accounting officer of the licensee where the licensee is not legally obliged to provide audited financial statements.
- (3) The Commission may charge interest for every day that the licensee is in arrears in respect of contributions to the Universal Access Fund, based on the applicable interest rate.
- (4) A person who contravenes the provisions of this regulation commits an offence and shall on conviction be liable to a fine not exceed five hundred thousand Emalangeneni (E500 000).

PART III

UNIVERSAL SERVICE COMMITTEE

Appointment of the Universal Service Committee

7. (1) The Minister shall, on recommendations by the Commission, appoint members of the Universal Service Committee.
- (2) The appointment of members of the Universal Service Committee shall be made on the grounds of the Universal Service Committee shall be made on the grounds of their qualifications, expertise or experience in the fields, when viewed collectively, of development planning, community development, social science, economics, electronic communications, supply chain management, project management and technology.

Remuneration of the Universal Service Committee

8. The remuneration of the Universal Service Committee shall be made from the Universal Access Fund, as determined by the Board.

Appointment of staff of the Universal Service Committee

9. (1) The Commission may employ persons as may be necessary to provide assistance to the Universal Service Committee, with the performance of the functions required by the Universal Service Committee, within the Swaziland Communications Commission.

(2) The employment of the persons referred to in Regulation 9(1) shall be made on the grounds of their qualifications, expertise or experience in the fields, when viewed collectively, of development planning, community development, social science, economic, electronic communications, supply chain management, project management and technology.

Operating and capital costs

10. All other operating and capital costs of the Universal Services Committee and staff, shall be financed from monies appropriated in terms of Section 49 of the Act.

Functions of the Universal Service Committee

11. (1) The Universal Service Committee shall –
- (a) prepare and update a strategic plan, which will be made publicly available once it is approved by the Board, at least once every three (3) years and is to be used by the Universal Service Committee in carrying out its functions;
 - (b) conduct a needs analysis which shall be subjected to a public consultation process and shall amongst others identify the true access gap and the smart subsidy zone, at least once every three (3) years, and make the report available to the public and implement a process to address these gaps;
 - (c) determine and make recommendations to the Board on the annual objectives with the purpose of ensuring the services listed in Section 30 of the Act, after following a regulatory impact analysis (RIA), which may be revised from time to time.

Duties of the Universal Service Committee

12. The Universal Service Committee shall –
- (a) promote the goal of universal service and access;
 - (b) conduct research into and keep abreast with national and international information communications technology developments and universal access and service initiatives on an on-going basis;
 - (c) designate licensees to carry out universal service obligations;
 - (d) monitor and evaluate compliance to universal service obligations by relevant licensees with the assistance of other departments within the Commission, where required;
 - (e) request any information, documentation or reports from relevant licensees, as may be required in order to perform its functions;
 - (f) conduct bi-annual surveys and evaluate the extent to which universal service has been achieved, and make the findings publicly available;

- (g) implement supply chain management processes including but not limited to the preparation of tender documents, invitation to tenders, evaluation and awarding of tenders;
- (h) conduct project management for the implementation and completion of contracts or any projects as may be required;
- (i) procure the services of experts and other consultants to provide advice and services relating to the performance of any of its functions;
- (j) participate in policy development, and facilities cooperation regarding the Rural Access Fund; and
- (k) initiate or cause the Commission to initiate proceedings in terms of Section 36 of the Act.

PART IV

UNIVERSAL SERVICE AND ACCESS AND ALLOCATION OF FUNDS

Scope of Universal Service and Access

13. Universal Service obligations and funding developed by the Commission may apply to any or all of the following categories of Information Communication Technology services and infrastructure –
- (a) Voice communication services;
 - (b) Data communication services;
 - (c) Infrastructure for the provision of voice or data communication services;
 - (d) Equipment and end user devices; and
 - (e) Training and skills development.

Persons eligible to receive subsidies

14. (1) Persons eligible to receive subsidies from the Universal Service Fund, subject to Fund projects and priorities as determined by the Commission, may include –
- (a) Persons with disabilities;
 - (b) The elderly or recipients of social grants; and
 - (c) Schools, higher education institutions, Government hospitals and public health facilities.
- (2) Licensee eligible to receive subsidies from the Universal Service Fund, following a competitive tender process, may include –
- (a) persons with disabilities;
 - (b) the elderly or recipients of social grants; and
 - (c) schools, higher education institutions, Government hospitals and public health facilities.
- (2) Licensee eligible to receive subsidies from the Universal Service Fund, following a competitive tender process, may include –
- (a) designated licensees with universal service obligations, if the obligation falls within a smart subsidy area; and
 - (b) designated licensees, expanding electronic communications networks and services into a true access gap area.

Competitive Tender Process

15. A competitive tender process shall be based on, among others, the following minimum processes, information of which will be made publicly available –
- (a) market Gap Analysis; and
 - (b) cost analysis

Disbursement of funds

16. Funds shall be disbursed in a competitive tender process, in accordance with the procurement law and any procurement policies by the Commission as a procurement entity in terms of the procurement law.

Function of the Commission in a competitive tender process

17. (1) The Commission shall ensure as part of the competitive tender process, that –
- (a) all tender proposal documents are opened in public, and publish the list of bidders and cost offers;
 - (b) all bidders are notified in writing of the acceptance or rejection of their tender proposals and upon request with the reasons for the Commission's decision; and
 - (c) all bidders are informed of the name of the bidder whose tender proposal has been accepted.
- (2) The Commission shall ensure that a written agreement is concluded after the acceptance of a tender proposal within thirty (30) days from the date on which the bidder was notified of the acceptance of a tender proposal.
- (3) The Commission shall ensure that the written agreement includes, but is not limited, to the following explicit requirements –
- (a) measurement deliverables;
 - (b) timelines;
 - (c) regular reporting requirements;
 - (d) the conclusion of a service level agreement, where applicable;
 - (e) repair and maintenance obligations, where applicable;
 - (f) training services; where applicable;
 - (g) payment schedules;
 - (h) penalty clauses; and
 - (i) quality of service requirements, where applicable.

(4) Where the bidder fails to enter into an agreement with the Commission, within thirty (30) days, unless such period was extended based on mutual agreement between the Commission and the bidder, or if when required the bidder fails to furnish security for the performance of the agreement, the acceptance of the tender documents may be withdrawn by the Universal Service Committee and another tender document from among the tenders already submitted to the Commission may be accepted or new tenders may be invited.

Implementation of Universal Service Fund Projects

18. (1) The Universal Service Committee shall appoint a project manager for every accepted project or tender proposal to –
- (a) ensure compliance by the licensee to the agreement concluded in terms of regulation n18(1)(d) with the Commission including adherence to time frames and submission of reports or compliance with annual objectives or licence conditions of designated licensees;
 - (b) inform the Commission timeously of any instances of non-compliance; and
 - (c) conduct independent assessment of compliance by the licensee.
- (2) The Universal Service Committee shall monitor and evaluate each project, to assess whether the implemented project has had required impact based on its strategic plan.

PART V

UNIVERSAL SERVICE OBLIGATIONS

Universal Service Obligations

19. All Universal Service Obligations that may be imposed shall be competitively neutral, transparent and measurable.

Imposition of universal service obligations

20. The Commission may impose Universal Service Obligations on designated licensees, which are to be included as an annexure to their licenses in instances where the obligations –
- (a) are offered or imposed as a condition of a licensing process;
 - (b) are the outcome of a competitive tendering process; and
 - (c) form part of the Commission's annual objectives or universal service strategy, based on the conducting of a market gap analysis and cost analysis.

Roll-out time-tables

21. (1) Designated licensees with no coverage and roll-out time tables at the time of publication of these regulations, shall meet the roll-out targets and time tables specified in a schedule and as may be determined by the Commission from time to time.
- (2) Designated licensees shall construct, operate, replace and maintain public pay telephones in identified areas, and shall meet the roll-out targets and time tables specified in a schedule and as may be determined by the Commission from time to time.
- (3) All designated licensees shall report in writing to the Commission within thirty (30) days of each financial year on the following, in electronic format where possible -

- (a) details of the service it provides to its customers and the technology used where applicable;
- (b) current network and public pay telephone roll-out status;
- (c) maps indicating the current coverage of the licensee on the date of the report;
- (d) roll-out projections for the next year;
- (e) compliance with any quality of service and emergency services requirements as may be prescribed by the Commission from time to time; and
- (f) repair and maintenance of public pay telephones.

Provision of Internet services to certain institution at Special Tariffs

22. (1) A designated licensee, shall provide internet services to school, higher education institution, government hospital and public health facility at a minimum discounted rate determined by the Commission which shall be deducted off the total charge per megabyte levied by any licensee for at least two (2) of its service offering which shall include one pre-paid and one post-paid package. The discounted rate which will be charged per megabyte shall be known as a special tariff.

(2) The special tariff shall be restricted to internet access and connectivity charges for access to the internet but shall not include charges for equipment, related services or voice calls.

(3) The special tariff product and service approach may not be of lesser standard or quality than the products provided as part of the standard customer service approach offered by the licensee.

(4) A school, higher education institution, government hospital and public health facility or licensee of their choice to provide internet services based on the relevant existing products offered by such licensee and apply for the special tariff and shall comply with the applicable customer service approach and requirement of the licensee.

Restrictions on special tariff

23. A school, higher education institution, government hospital and public health facility or licensee may motivate for the use of the Universal Access Fund based on either a competitive tender process or an obligation as a designated licensee, to subsidise the following services to facilitate internet access –

- (a) the acquisition of equipment and related products and services (not the product to which the special tariff applies);
- (b) the provision of training to users of the service;
- (c) the provision of management services; or
- (d) The provision of additional infrastructure including buildings, electricity and security.

Duties of licensee

24. (1) A designated licensee shall inform every school, higher education institution, government hospital or public health facility within its coverage area of the obligation to provide a special tariff on an annual basis and provide proof of its communication to the Commission.

(4) A designated licensee that provides infrastructure to an internet service provider or another licensee that provides internet services to a school, higher education institution, government hospital and public health facility shall provide such infrastructure or relevant portion of the infrastructure at a similar discounted rate determined by the Commission, that will be deducted off the total charge levied to such service provider or other licensee to facilitate that particular service, where possible.

(5) In the event that a licensee was approached by a school, higher education institution, government hospital or public health facility and is not able to provide internet services it shall inform the Commission in writing with clear reasons for its decision, within thirty (30) days of declining to provide the service.

(6) When approached by a school, higher education institution, government hospital or public health facility the licensee shall –

- (a) clearly indicate if it has network coverage within the specific area, where internet service is required;
- (b) clearly indicate the technology that will be used to provide the internet services to the relevant school, higher education institution, government hospital or public health facility; and
- (d) either apply its standard customer service approach in terms of inter alia credit vetting, commercial contracts, payment arrangements and customer service for a particular product as for any other customer, or if a customised product is developed for the special tariff, publish the customer service approach on its website and make it publically available.

Submission of an annual report

25. A designated licensee shall submit an annual report to the Commission listing the number of schools, higher education institutions, government hospitals and public health facilities that receive a special tariff and indicate –
- (a) traffic volumes;
 - (b) total invoice amounts;
 - (c) a summary of complaints; and
 - (d) payment history.

PART V

EMERGENCY SERVICES

A 112 emergency centre services

26. (1) For the purpose of this part a 112 Emergency Centre is a service by means of which a subscriber has the ability to contact an emergency centre by dialling the numerals 112 in order to request an emergency service.
- (2) The number 112 is designated as the main national public emergency number for Swaziland.
- (3) A person may not call the national emergency number 112, for any purpose other than to request an emergency service.

- (4) A relevant licensee is required to carry communications to 112 Emergency Centres and to the emergency organisations at own cost and may not levy any charge on the caller for placing calls to the 112 Emergency Centre and emergency organisations.
- (5) Where more than one licensee carries the emergency request, the licensees shall enter into commercial arrangements to ensure that the payments are made to the licensee with respect to the cost of carrying the request.
- (6) A relevant licensee may self-provide a 112 Emergency Centre or outsource the service to a service provider that will provide the service on its behalf, although the licensee will be accountable to the Commission.
- (7) A relevant licensee shall make automatic number identity, such as caller line identify and automatic location identity available to 112 emergency services, where a licensee uses the services or network of another licensee, the same obligations applies.

112 Emergency Centre requirements

27. (1) Where there is a need for the licensee, public emergency communications centre, and emergency organisation to use the caller line identity to return the emergency call to the subscriber or end-user, the licensee, public emergency communications centre and emergency organisation may do so for the emergency purpose only.
- (2) As far as practically possible, a 112 Emergency Centres shall have voice, SMS, data and global positioning systems capability.
- (3) A 112 Emergency Centre shall transmit a request for an emergency service to an emergency organisation.
- (4) When members of the public make requests for services, such requests shall be considered as emergencies by the following emergency organisations –
- (a) police services;
 - (b) ambulance service;
 - (c) traffic authority;
 - (e) fire brigade; and
 - (f) any other similar organisation providing assistance to the public in case of emergency.
- (5) A Subscriber whose telephone services is temporarily disconnected or suspended from networks of their respective licensees shall, at all times, have access to the 112 emergency number.
- (6) A Relevant licensee who has Sim-locked and Soft-locked phones shall not prevent the subscriber, end-user or member of the public from accessing the 112 Emergency Centres.

Keeping of records

28. (1) A 112 Emergency Centre, emergency organisation and the licensee shall keep records of all the electronic communications received and transmitted including data relating to the provision of caller line identity and automatic location identity.
- (2) The records referred to in sub-regulation (1) shall be kept for a period of three (3) years.

(3) A 112 Emergency Centre shall keep records relating to its emergency service activities to the satisfaction of the Commission and in compliance with any other applicable law as follows-

- (a) documents relating to persons who are in control or in a position to exercise control over a public emergency communications centre;
- (b) financial records and audited financial statements of the 112 Emergency Centre;
- (c) all contracts entered into by or on behalf of the 112 Emergency Centre in connection with the daily operational activities of the centres;
- (d) log of all calls and other electronic communication requests received and made in a form acceptable to the Commission;
- (e) records for keeping of –
 - (i) all telephonic requests; and
 - (ii) correspondence between the 112 Emergency Centres, licensees and emergency organisations;
- (f) log of all telephone calls, messages and any other electronic communications received by the 112 emergency centres, its point of origination and time and response times; and
- (g) Log of all telephone calls, messages and any other electronic communications made to emergency organisations, its point of origination, time and the response times.

(4) Copies of all correspondence with the Ministry responsible for Information Communications and Technology, emergency organisational and licensees shall be made available to the Commission.

Duties of licensees, Emergency Centre and emergency organisation

29. (1) A licensee, 112 Emergency Centre and emergency organisation shall ensure the interoperability of technologies for the efficient and effective provision of emergency communications and ensure that the most efficient and effective technologies are used to provide the physical location details of the subscriber or end-user to the 112 Emergency Centre and from the 112 Emergency Centre to the emergency organisation.

(2) A 112 Emergency Centre established in terms of the Act shall –

- (a) be available for twenty four (24) hours;
- (b) adhere to the Commission's regulations relating to technical standards and specifications, including regulation of equipment and type approval;
- (c) answer an emergency call in less than thirty (30) seconds; and
- (d) give priority to an emergency call over any other electronic communication requests from the public 112 Emergency Centre services.

Publication of generally accepted emergency numbers

30. The Commission will publish a list of generally accepted emergency numbers that may be dialled by a subscriber in distress, which shall be routed to the 112 Emergency Centres on the same terms as 112 calls.

Duties of Licensee

31. A Licensee shall –
- (a) ensure, at all times, that its networks have diversity, redundancy, transmission quality and dedicated circuits in meeting the requirements in these regulations;
 - (b) use mechanisms available to them to make the public, subscriber and end-users aware of the 112 emergency number.

Directory Services

32. (1) A licensee is required to –
- (a) maintain accurate subscriber records, which contain at a minimum, the name, physical address and telephone number of each subscriber, which information will be stored confidentiality and have access control measures in place;
 - (b) provide a comprehensive subscriber directory and enquiry services whether printed, electronic or both that is updated annually –
 - (i) which is available twenty four (24) hours per day, seven (7) days a week, every day of the year; and
 - (ii) provided it has obtained written consent from each subscriber prior to making such information publicly available.
- (2) A licensee is entitled to levy charges for providing subscriber directory services.

Exemption

33. A relevant licensee shall be exempt from liability for all claims arising out of acts done in meeting its obligations when making automatic number identity, such as caller line identity and automatic location identity available to 112 emergency centres only.

Offences

34. A person who contravenes the provisions of this Part commits an offence and shall on conviction be liable to fine not exceeding fifty thousand Emalangeneni (E50,000) or imprisonment for a period not exceeding five (5) years.

SCHEDULE

ROLL-OUT OBLIGATIONS

Roll-out obligations

1. An individual licensee shall –
- (a) meet the roll-out targets and time tables as may be determined by the Commission on an annual basis. Make available electronic communication services to an average of forty per cent (40%) of the population across the regions with no region having less than twenty per cent (20%) of the population covered within five (5) years of these obligations being imposed; and

(b) make available electronic communications services to an average of sixty per cent (60%) of the population across the regions with no region having less than thirty per cent (30%) of the population covered within ten (10) years of these regulations coming into effect.

(2) An individual licensee regardless of roll-out time tables shall meet the following additional roll-out targets –

(a) make available broadband services to an average of twenty five per cent 25% of the population within five (5) years of these regulations coming into effect; and

(b) make available broadband services to an average of sixty per cent (60%) of the population within ten (10) years of these regulations coming into effect.

(3) Compliance to any Quality of Service requirements as may be prescribed by the Commission includes the following obligations –

| | |
|------------------------------|--|
| (a) Network availability | The Licensee shall ensure that the Network is available end to end twenty four (24) hours per day, seven (7) days per week, at least ninety five per cent (95%) of the time averaged over ninety per cent (90%) of the Network from the Commercial Date. The Licensee's obligations in respect of network availability subsequent to the first twenty four (24) months of the Licence Period shall be determined by the Authority in terms of the Act and such regulations as may be applicable from time to time. |
| (b) Call completion rate | The Licensee shall maintain a Busy Hour call complete rate of at least ninety five (95%) on the Network averaged over each two (2) consecutive twelve (12) month period, the first of which shall commence on the Commercial Date. The Licensee's obligations in respect of the call completion rate subsequent to the first twenty four (24) months of the Licence Period shall be determined by the Authority in terms of the Act and applicable regulations. |
| (c) Grade of Service | The Licensee shall use its best endeavours to achieve a Grade of Service of at least three per cent (3%) across all its Licensed Lines. |
| (d) Call quality | The Licensee shall provide at least the nominal call quality to classes of Customer units in accordance with the Technical Standards established in agreement with the Commission. |
| (e) Quality of Service tests | (i) The Licensee shall, at its own cost and on an annual basis, submit to the Commission independently audited reports on the quality of service offered by it in terms of this Licence. (ii) The reports shall be submitted to the Commission no later than six (6) months after the financial year end, provided that the Licensee shall not be required to submit any such report during the first eighteen (18) months of the Licence Period. |

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| | (iii) The Commission may, at reasonable intervals, conduct audits at the Licensee's cost in order to verify the validity of the audit reports submitted by the Licensee to the Commission. |
| (f) Network monitoring | The Network shall be monitored by a Network Management Centre or Centres of the Licensee, twenty four (24) hours per day, seven (7) days per week, every day of the year. |

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MINISTER FOR INFORMATION, COMMUNICATIONS AND TECHNOLOGY