

Draft Regulations on Penalties

LTA – REG – 0006



**Liberia Telecommunications Authority (LTA)
Republic Of Liberia**

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PART 1 PRELIMINARY

TITLE

This document shall be cited as the LTA Regulation on Penalties.

OBJECTIVES

The objectives of this regulation are to:

- Promote strict adherence and intent to the Telecommunications Act of 2007
- Ensure compliance and instill public confidence through regulatory decisions and sector laws and regulations thereby facilitating stability and development in the sector
- Maintain orders in the sector
- Deter the public from engaging in acts which undermine the LTA's ability to effectively regulate the sector

DEFINITIONS

“Authority” means the Liberia Telecommunications Authority;

"Authorization" means an Administrative Act (individual License, concession contract or general authorization) which grants a set of rights and obligations to an entity and grants the entity the right to establish and exploit telecommunications networks or to offer telecommunications services;

“Allocation of frequency band” means entry in the Table of Frequency allocations of a given frequency band for the purpose of its use by one or more terrestrial or space radio communication services or the radio astronomy service under specified conditions. This term shall also apply to the frequency band concerned;

"Provision of a telecommunication network" means the setting up, operating, overseeing or making available of a telecommunication network;

"Information" means signs, signals, writings, images, sounds or information of any other kind which make up the content transmitted by means of communication processes including telecommunication processes;

“Installation” means any equipment, apparatus, cable, radio or optical system, item of infrastructure or technical device that may be of use to information and communication technologies, or any other operation directly related thereto;

“License” means the administrative document (including individual License, concession class License) permitting the operation of a network or the provision of communication services or the use of the radio-frequency spectrum.

“Operator” means any juridical person operating a telecommunication network that is open to the public, or providing a telecommunication service to the public.

“**Message**” means communication of any kind in the form of words, sound, data, text, visual image, signal or code, or in any other form or combination of forms.

“**Radio-communication**” means any emission, broadcasting, transmission or reception of radio waves specifically for telecommunication purposes.

“**MOJ**” Refers to the Ministry of Justice of the Republic of Liberia

“**Broadcast**” means any radio-communication whose emissions are intended to be received by the public.

“**Information and Communication Services**” mean services that involve the use of information and communication technologies, including telecommunication services.

“**Information and communication technologies (ICTs)**” mean technologies used to gather, store, use and send information, including technologies that involve the use of computers or any communication system, including any telecommunication system.

“**Physical co-location**” means a facility offered by a public telecommunication network operator which consists of making infrastructure, including premises, available to other operators for installing, if applicable, operating their equipment, especially for purposes of interconnection.

“**Provision of interconnection**” means a facility provided by one public telecommunication network operator to another or to a public telecommunication service provider which permits all users to communicate freely regardless of the networks to which they are connected or the services that they use.

“**Dominant operator**” means a company which, either on its own or in connection with other companies holds a position equivalent to a dominant position: that is, a company which has a significant capacity to act in a manner independent of its competitors, its customers and ultimately consumers.

“**Subscriber**” means a person who receives and pays for the communication service over a given period of time pursuant to an agreement in accordance with terms established by the service provider, with the approval of the LTA.

“**Declaration**” means an act of registration of telecommunications activities with the Liberia Telecommunications Authority by a network operator or service provider which does not require the company to obtain an explicit decision from the LTA prior to commencing the operation of the network or provision of the service.

“**Number**” means a series of digits that uniquely identifies a public network termination point. The number contains the necessary information for routing the call to that termination point and may be in a national format or an international format. The international format is known as the international public telecommunication number, consisting of the country code and subsequent

digits.

NOTE: ALL fines are payable in United States Dollar (USD) OR its equivalent in Liberian Dollar (LD).

DRAFT

PART 2 UNAUTHORIZED OPERATIONS

No person shall operate radio communications equipment or make any use of radio frequencies except in accordance with a valid radio communications License or Authorization issued by the LTA pursuant to Part VI (25) of the Telecommunications Act of 2007.

The following violations are punishable in line with the stipulation hereunder:

1. Installation, establishment, marketing and operation of telecommunications equipment and systems without License or Authorization from the LTA

Penalty

- i. First violation a fine of not less than 1.5 times the existing License fees times two years or the numbers of years of operations without License or Authorization pursuant to Part XV (76) of the Telecommunications Act of 2007.
 - ii. A subsequent violation - the LTA may impose a fine, or suspend the operating License (s) or Authorization depending on the magnitude of the violation.
 - iii. A third violation - the LTA may suspend, or revoke the operating License (s) or Authorization.
2. Facilitating and involvement in any service(s) not specified in a License or Authorization of an Operator or Service Provider

Penalty

- i. The LTA may impose a fine of not less than \$5,000 plus the cost of administrative and technical investigation
 - ii. May fine or suspend the telecommunications equipment, and / or
 - iii. May suspend, or revoke the operating License (s) or Authorization.
3. The use of telecommunications services for purposes that undermine national security or public safety

Penalty

- i. The LTA may suspend, revoke , and / or
- ii. Forward the matter to the MOJ for further actions

PART 3 TRANSFER OF LICENCE, FREQUENCY OR STATION

1. Transfer, assignment, delegation or encumbrance of the rights, interests or obligations under Licenses or Authorizations without the prior written approval of the LTA

Penalty

The LTA may suspend, or revoke the License or Authorization based on the magnitude of the violation

2. Transfer of Radio Station from one location to another without the prior written approval of the LTA

Penalty

The LTA may impose a fine of not less than \$500 plus the cost of administrative and technical investigation

PART 4 RADIO FREQUENCIES

The issuance of radio frequencies shall be the sole right of the LTA in accordance with the Telecommunications Act of 2007; henceforth the under mentioned violations shall not be allowed with impunity:

1. Use of any frequency not assigned or allocated by the LTA

Penalty

- i. First violation – the LTA may impose a fine of not less than 1.5 times the existing spectrum fee times two years or the numbers of years of operations or whichever is greater,
- ii. The LTA may fine or suspend the telecommunications equipment, and / or
- iii. May suspend, or revoke the operating License (s) or Authorization.

2. Alteration of an authorized installation, operation without the prior written approval of the LTA.

Penalty

The LTA may impose a fine of not less than \$20,000 plus the cost of administrative and technical investigation

3. Effecting changes in the design of a radio equipment or frequency without the prior written approval of the LTA

Penalty

- i. The LTA may impose a fine of not less than \$20,000
- ii. Decommission the equipment

- iii. If the violation persists, the License or Authorization may be suspended, or revoked
- 4. Transmission of signals not done in accordance with the duly authorized output power, bandwidth, frequency or band

Penalty

- i. The LTA may impose a fine of not less than \$500, and / or
- ii. Decommission the equipment

PART 5 COMMUNICATION EQUIPMENT AND SYSTEMS

- 1. Importation and marketing of telecommunications equipment and systems without type approval of the LTA

Penalty

- i. The LTA may impose a fine of not less than twice (2) the assessed cost of the equipment imported and not exceeding five (5) times the landed cost of the equipment, and / or
- ii. Forward the matter to the relevant government authority depending on the magnitude of the violation
- 2. Assembling or manufacturing of telecommunications equipment and systems without authorization from the LTA

Penalty

The LTA may forward the matter to the relevant government authority depending on the magnitude of the violation

- 3. Using telecommunications equipment for the purpose of interfering with any communications station

Penalty

- i. The LTA may impose a fine of not less than \$10,000
- ii. The LTA may fine, suspend, or revoke the License or Authorization of the Operator or Service Provider
- iii. Forward the case to the MOJ for further actions.

PART 6 INTERCONNECTION

1. Any violation of the Interconnection Regulations promulgated by the LTA

Penalty

- i. The LTA may impose a fine of not less than \$10,000
- ii. May suspend or revoke the License or Authorization
- iii. Use other measures in determining the penalty based on the number of customers affected, and the duration of the violation

PART 7 CONTRAVENING LICENSING OBLIGATIONS

1. Contravening the Terms of the License or Authorization obligations

Penalty

- i. The LTA may impose a fine of not less than \$15,000
- ii. Suspend, or revoke the License or Authorization

2. Contravening any or all Financial Obligations as stipulated in the License and Authorization

Penalty

- i. The LTA may impose a fine of not less than \$15,000
- ii. Suspend, or revoke the License or Authorization

3. Contravening the obligations under the LTA Regulations, Rules, and Orders

Penalty

- i. The LTA may impose a fine of not less than \$10,000
- ii. Suspend, or revoke the License or Authorization

4. Contravening the obligations under the Network Coverage and Service Areas,

Penalty

- iii. The LTA may impose a fine of not less than \$500
- iv. Suspend, or revoke the License or Authorization

5. Ceasing transmission without the LTA's consent by any Voice Operator for a period exceeding 30 (thirty) minutes

Penalty

The LTA may fine, suspend or revoke the License or Authorization of the Operator

PART 8 COMMUNICATION AND RADIO INTERFERENCE

1. Intentionally and unlawfully intercepting private and confidential information and communications not intended for the general public

Penalty

- i. The LTA may suspend, or revoke the License or Authorization
 - ii. Withdraw the frequency or,
 - iii. Decommission the infrastructure, and /or
 - iv. Forward the case to the MOJ for further actions
2. Violation of any Quality of Service (QOS) Regulations

Penalty

The LTA may impose a fine of not less than \$500

PART 9 INSPECTIONS

1. Obstructing, impeding or hindering of an inspection or any function of the LTA

Penalty

- i. The LTA may impose a fine not less than \$1,000
 - ii. May suspend or revoke the License or Authorization
2. Offering an inspector, agent or employee of the LTA a material inducement, directly or indirectly

Penalty

- i. The LTA may impose a fine not less than \$1,000 or
- ii. May suspend or revoke the License or Authorization and / or
- iii. Forward the case to the MOJ for further actions

PART 10 MISREPRESENTATIONS / OMISSIONS

1. Misrepresentations or deliberate omission of material information in responses and statements to the LTA

Penalty

- i. The LTA may impose a fine not less than \$2,000
- ii. Suspend or revoke the License or Authorization relevant to the matter
- iii. Forward the matter to the relevant government authority depending on the magnitude of the violation

PART 11 TELECOMMUNICATIONS AND COMPUTER VIOLATIONS

1. Pursuant to Part XV (76), and (77) of the Telecommunications Act of 2007, the act of fraudulent, malicious or dishonest intent to use telecommunications facility to obtain computer or telecommunications data shall be liable to:

Penalty

- i. The LTA may revoke the License or Authorization of the Operator or Service Provider
 - ii. Forward the case to the MOJ for further actions.
2. Intentional and dishonest damage, deletion, alteration and suppression of computer or telecommunications data by telecommunications Serviced Provider without the right to do so

Penalty

- i. The LTA may impose a fine of not less than \$5,000
- ii. May suspend, or revoke the License or Authorization
- iii. Forward the case to the MOJ for further actions.

PART 12 OTHER MATTERS

1. Failure to respond within the time required to any request for information or order of inspection issued by the LTA

Penalty

- i. The LTA may impose a fine of not less than \$500

- ii. May suspend or revoke the License or Authorization
2. Failure to adhere to a call for an administrative proceeding(s) or hearing (s) requested by the LTA

Penalty

The LTA may impose a fine of not less than \$500

3. No Service provider shall activate a SIM Card on its network unless the Service provider has first registered the New Subscriber's details pursuant to Section 3.1 of LTA-REG 004 (Regulation on SIM Cards Registration)

Penalty

- i. The LTA may impose a fine of not less than \$500
- ii. Twice the preceding fine,
- iii. Forward the case to the MOJ for further actions