

REPUBLIC OF RWANDA



RWANDA UTILITIES REGULATORY AGENCY

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**DECISION N° 09/ICT-RURA/2008 OF 26TH AUGUST 2008 ON
MEASURES TAKEN TO THE COMPANY MTN
RWANDACELL S.A.R.L FOR FAILURE TO ITS LICENSE
OBLIGATIONS**

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PREAMBLE

The Regulatory Board, meeting in its session of 26th August 2008;

Given the Law n° 39/2001 of 13 September 2001 establishing the Regulatory Agency, especially in its articles 1, 5, 6 and 18;

Given the law n° 44/2001 of 30/11/2001 governing telecommunications, especially in its articles 3, 14, 22 and 57

Given the Presidential Order n° 04/01 of 15/03/2004 determining specific duties of the Regulatory Board in telecommunications matters;

Given the Ministerial Order n° 04/RURA/05 of 06/09/2005 granting an individual mobile network telecommunications license to MTN Rwandacell S.A.R.L as reviewed and renewed to date;

Considering that since November 2007, the Rwanda Utilities Regulatory Agency has received complaints from MTN subscribers related to poor quality in services provision,

Given that MTN Rwandacell has proposed a plan with a commitment to upgrade its network and to solve the issue within 6 months from January 2008;

Considering that RURA has put in place an ad hoc committee with a view to monitor MTN's quality of service performance; and given that the ad hoc committee report shows the entire exercise of upgrading the MTN mobile network has been very slow;

Given that consumers continue to suffer from MTN low quality of service;

Considering that the quality of service constitutes an important element in MTN's license conditions that require much attention from the regulator;

Considering the enforcement notice given to MTN Rwandacell requesting the latter to comply with its license conditions in regard to quality of services;

After consideration and deliberation on the above issue, the Regulatory Board in its meeting of 26th August 2008;

Decided and hereby decides:

ARTICLE 1: PURPOSE

The subject of this decision is to confirm the enforcement notice issued to MTN Rwandacell on 18th August 2008 and to impose penalties to the said company for non compliance with its quality of service licence conditions.

ARTICLE 2: FINES

MTN Rwandacell is hereby imposed a daily fine equivalent to five million Rwandan francs 5,000,000 Rwf for two weeks starting from the signature of this decision .

During the above period, MTN Rwandacell shall submit to RURA, a clear roadmap showing the actions to be undertaken to meet the quality of service standards. The road map shall ensure that MTN will be able to solve the problem within a period not exceeding two months. The road map shall be subject to the Regulatory Board approval.

Failure to meet this obligation, further sanctions shall be applicable.

ARTICLE 3: PAYMENT OF FINES

The above prescribed fines shall be paid to the RURA Account n° 120.11.27 opened at the National Bank of Rwanda.

ARTICLE 4: IMPLEMENTATION OF THE DECISIONS.

The Director-General is hereby requested to implement the present Decision with immediate effect.

ARTICLE 5: PUBLICATION

The decision shall be published on RURA website.

ARTICLE 6: COMING INTO FORCE

This decision shall come into force the date of its signature.

Done at Kigali on 29th August 2008

MARIE CLAIRE MUKASINE

CHAIRPERSON OF THE REGULATORY BOARD