



Public Utilities
Regulatory Authority
Equity in development

GUIDELINES
FOR
THE DEPLOYMENT OF THIRD PARTY SERVICES

MAY 2013

94, Kairaba Avenue, P. O. Box 4230 Bakau, The Gambia
Tel. (220) 4399601 / 4399606 Fax: (220) 4399905
E.mail: the_Authority@the_Authority.gm Website: www.the_Authority.gm

Table of Contents

1.0	PREAMBLE	3
2.0	DEFINITIONS.....	3
3.0	EXTENT AND COMMENCEMENT	3
3.0	OBJECTIVES OF THE GUIDELINES	4
4.0	GENERAL PRINCIPLES.....	4
5.0	SCOPE	5
6.0	EVALUATION OF THE APPLICATION.....	5
7.0	ACTIVITY.....	6
8.0	EFFECTIVENESS	6

The Authority has observed the recent prevalence of new partnerships involving third party services. The Authority views and welcomes this development as widening the operational scope of operators.

In exercise of the powers conferred upon the Authority under Section 14 (1) (g) of the AUTHORITY Act 2001, the Authority hereby makes the following Guidelines for the Provision of Third Party Service.

1.0 PREAMBLE

These Guidelines set forth the principles and procedures to be complied with by a Licensee in which the Licensee shall be required to submit to the Authority, for its prior review and approval, a detailed proposal marking an intention for the deployment of Third Party Services in accordance with the provision of its licensed services.

These Guidelines shall also be applicable to Third Party Service Providers.

2.0 DEFINITIONS

“Authority” means the Gambia Public Utilities Regulatory Authority established under The Gambia Public Utilities Regulatory Authority Act 2001, or any other regulatory authority to which the Government has given the responsibility for the regulation of information and communications services, information and communications networks, associated facilities and associated services.

“Licensee” means the company to whom a licence has been granted to by the Minister of Information and Communications Infrastructure for the provision of Energy or Telecommunications/ICT Services under the Electricity Act 2005 and IC Act 2009.

“Third Party Service Provider” shall apply to registered companies in The Gambia intending to provide, through contractual arrangement with a Licensee, some or all of those services that are regulated under the AUTHORITY Act 2001, Electricity Act 2005 and/or IC Act 2009.

“Third Party Services” should be differentiated from services where there is a re-sale from a primary service provider (e.g. between an ISP and an Internet Café). The AUTHORITY classifies these Third Party Services into two categories as follows;

- i. Peer-to-Peer Partnerships: this is where a Licensee engages another Licensee either within the same regulated sector or another regulated sector to introduce new products and/or services together or on its behalf through the use of shared or leased network infrastructure.*
- ii. Operator – Developer Partnerships: These may involve;*
 - a. The use of a Licensee’s network / platform to carry or embed the services or products of a non-licensed company not offering a regulated public service to its consumers; and*
 - b. the outsourcing of certain or all regulated public services by a Licensee to a non-licensed contracted party (-ies) who would interface with consumers directly on its behalf.*

3.0 EXTENT AND COMMENCEMENT

These Guidelines shall:

- a. be referred to as *the Guidelines for the Deployment of Third Party Services*

- b. be applicable to all Energy, Telecommunications/ICT Service Providers or any entity engaged in third party arrangements, agreements or ontract
- c. come into force with effect from xx/yy/zzzz

3.0 OBJECTIVES OF THE GUIDELINES

The overall objective of these Guidelines is to ensure that the Authority is well informed about any contracts including but not limited to technical, commercial and/or financial arrangements/agreements entered into by Licensees and third parties, to enable the Authority to perform the necessary due diligence exercise prior to the provision of such services to the public, by Third Parties.

These Guidelines have the following specific objectives:

- a. to ensure Licensees roll out their services to customers in a seamless manner;
- b. to ensure there is a transparent and orderly implementation of third party services;
- c. to enable the Authority to analyse technical specification, financial issues and commercial terms and conditions;
- d. to promote innovation in deploying products and services to customers;
- e. to enable the Authority to have the relevant data to deal with complaints or concerns raised by consumers and stakeholders;
- f. to enable the Authority to plan and avail scarce resources (numbers, frequencies, essential facilities etc) in advance;
- g. to improve the operation and performance of interconnected networks;
- h. to safeguard consumer protection, quality of service and tariff related issues;
- i. to assist in the development of Energy and telecommunications/ICT sectors and any other relevant markets the Authority is mandated to regulate as stipulated in the AUTHORITY Act 2001/IC Act 2009 or any amendment thereof;
- j. to ensure that there is transparency in procurement of third party services and preserve market integrity through competition (e.g. ensure there is no Exclusivity);
- k. to ensure that Licensees do not absolve themselves of their obligations under their licence conditions and also to ensure adherence to Government policy.

4.0 GENERAL PRINCIPLES

The Guidelines for Deployment of Third Party Services have been prepared by the Authority in accordance with the following principles:

- a. Licensees providing Energy, telecommunications/ICT or any other utility services mandated to be regulated by the Authority shall notify the Authority of its intention to deploy third party services;
- b. the burden is upon the Licensee to demonstrate to the Authority's satisfaction the reason(s) and justification for the deployment of such Third Party Services;
- c. the onus is on ALL Licensed operators to fully inform the Authority the nature of these partnerships to ensure that their licence conditions and obligations to consumers as well as market integrity is maintained;
- d. the Licensee shall notify the Authority about its intention to deploy Third Party Services, at least three (3) months prior to intended date of deployment;
- e. the Authority shall review, analyse and evaluate the application in an objective, fair and transparent manner;

5.0 SCOPE

In order for the Authority to deal with an application for the deployment of Third Party Services, the Licensees/Third Party Service Provider must submit to the Authority complete and detailed proposal, which should include but not limited to the following:

- a. Detailed and concise explanation how the Licensee/Service Provider intends to offer the proposed Third Party Services;
- b. Provide a schematic illustration and description of how the network will Interconnect with the Energy and Telecommunications/ICT service providers:
 - i. Indicate how customers on one or all telecommunications/ICT and Energy service providers will access the Third Party Service.
 - ii. Indicate how access to the Third party Service will be expanded to other customers if the service was available to customers on one network initially.
- c. Provide details about the type and technical specifications of the new equipment to be deployed;
- d. All technical documents concerning interconnection including schematic diagrams of the exchange process;
- e. If new resources are required, explain to the Authority why the current resource (frequencies, interconnection, backhaul, essential facilities etc) assignment for the existing network cannot be used for your new deployment. Provide detailed justification(s) for requesting new resources for the new network;
- f. Full disclosure of ALL commercial and financial arrangements clearly indicating the roles and responsibilities of each party including:
 - Total Investment and Operating cost of the project with supporting documents
 - Deployment and marketing strategy
 - Charges for the services, the charging mechanism and justifications for the charges
 - How to deal with customer issues and complaints resolutions processes and procedures
 - Distributions and sales of cards mechanisms
 - Proposed commercial terms and conditions of the Third Party Services
 - Dispute resolution procedures and processes
 - Any additional cost to be incurred by customers for access or to purchase any of these new services add/or products
- g. Copies of draft contract agreement(s) between the Licensee and the Third party service provider;
- h. Copies of Non Disclosure Agreement (NDA), Protocol Licensing Agreement (PLA) and Certification of Compliance if applicable
- i. Anticipated benefits to customers;
- j. Estimated number of customers to be served;
- k. Anticipated date of project commissioning and commencement dates;
- l. Where the products or services are regulated public services, the location of all vending premises must be provided;
- m. Any other relevant additional information you wish to provide THE AUTHORITY about the arrangements/agreements.

6.0 EVALUATION OF THE APPLICATION

Upon receipt of a notification from a Licensee intending to deploy of Third Party Service, the Authority will perform the tasks listed below:

- a. Conduct an appropriate technical, financial and commercial review, analysis and evaluation of the notification;
- b. In the course of the evaluation, the Authority may request the Licensee to clarify certain aspects of the notification and to provide supplementary information;
- c. Request the Licensee to provide access to facilities/sites both referred to and/or not referred to in the notification to facilitate inspection;
- d. Request the Licensee to do a presentation on the new deployment to the Authority for Third Party Service;
- e. The third party entity may also be required/advised to make a presentation to the Authority as well;
- f. Request for technical specification, financial and commercial documentation.

7.0 ACTIVITY

In line with best regulatory practices, the Authority will follow the process below in dealing with an application for third party services:

Activity	Timelines
Licensee/Service Provider submits partnership proposal for the service to the AUTHORITY	Start
Licensee/Service Provider deliver a detailed presentation on the proposed partnership to the AUTHORITY	Week 1
Preliminary review and assessment by the AUTHORITY on the presentations and the submissions	Week 2
Consultations with all relevant stakeholders on the proposed partnership	Week 3
Request for further clarification and submissions of the information if any	Week 3
Detailed review, analysis and evaluation of the proposal by the AUTHORITY.	Week 3-4
Preparations of the report by the AUTHORITY including its Determination on the services.	Week 5
Report including the Determinations forwarded to the relevant Authority for endorsement.	Week 5-7
The AUTHORITY communicates its Determinations to Licensee/Service Provider on the proposed service.	Week 7-8

8.0 EFFECTIVENESS

These guidelines shall become effective from the date of signature.

ISSUED BY

PUBLIC UTILITIES REGULATORY AUTHORITY

DATED THIS.....DAY OF.....

DIRECTOR GENERAL