

Model Telecommunications Regulations on Tariff

(Subsidiary Legislation)

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THE TELECOMMUNICATIONS (TARIFF) REGULATIONS

Title 1. These Regulations may be cited as the Telecommunications (Tariff) Regulations.

Interpretation 2. In these Regulations, unless the context otherwise requires "tariff" shall mean any charges by the operator for telecommunications service

"Tariff" rebalancing means the process of aligning the tariffs to the underlying cost of providing service.

Application 3 These Regulations shall apply to operators who offer public fixed and mobile telecommunications service where there is insufficient competition in the market as determined by the Authority.

General Principles Of Tariff 4. (1) Tariffs shall reflect underlying costs of providing the service

(2) Tariff offered by an operator shall be sufficiently unbundled so that users of telecommunications service do not pay for facilities which are not part of the service package;

(3) An operator shall offer discounts schemes on Tariff and shall inform the Authority of any such scheme available to customers;

(4) An operator shall provide accurate billing information on tariffs and usage in order for customers to verify that they are billed correctly.

(5) An operator shall not apply tariffs that prevent market entry or distorts competition by applying tariffs below the underlying cost of providing the service without the Authority's approval.

(6) An operator shall not apply tariffs in order to capture excess profits.

Filing of Information	5.	(1)	An operator shall file with Authority for its approval proposals in writing on new or revised tariffs, rates and charges it intends to apply for the use of its system and facilities not less than thirty (30) business days before the intended effective date.
		(2)	Tariff proposals shall contain all relevant accounting and costing information required by the Authority concerning, rates charges for service, including deposits, non recurring charges, monthly charges as well as terms and conditions applicable to the provision of service including rights and remedies available to consumers in the event of unathorised charges or other disputes or claims over billing or provision of service.
		(3)	Tariffs proposed by the operators shall be effective thirty (30) days after filing the Authority unless within the thirty (30) day period the Authority issues a counter proposal or notice of modification to the operator.
		(4)	Without limiting the generality of sub regulations (1) above, any failure to make a counter proposal or to approve the proposed tariffs shall entitle an operator making the proposal to impose the tariffs proposed and the Authority shall be deemed to have approved the proposed tariff.
Publication	6	(1)	An operator shall upon approval by the Authority. ensure that the tariffs or charges are published in the public media as determined by the Authority within business days before they are effected.
		(2)	An operator shall bear the cost of publication of the approved tariffs.
Tariff Rebalancing	7		An operator shall comply with any directive issued by the Authority on tariff rebalancing.
Tariff Revision	8		Revision of Tariffs may occur in the following Circumstances.
		(1)	request of authorization by the operator from the Authority; or

		(2)	Written direction of the Authority to the operator with a reasonable notice.
Arbitration	9	(1)	Where the Authority and operator fail to reach agreement on the proposed tariff and counter proposal, an operator may appeal to a tribunal of three persons appointed by the Chief Justice.
		(2)	The Chairperson of the Tribunal shall be a judge of the High Court or a person qualified to be appointed as a judge of the High Court.
		(3)	The Tribunal shall make its decision within thirty (30) business days of lodgment of the appeal.
		(4)	Any operator who fails to lodge an appeal against the decision of the Authority within thirty (30) days of the said decision shall be deemed to have accepted the counter proposal of the Authority.
Penalties	10		Any person who contravenes any provisions of these regulations for which no penalty is provided shall be guilty of an offence and be liable to pay a fine as determined by the authority.

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